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Electronically
2014-09-29 11:15:04 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4627452

4185

JUDITH ANN SCHONLAU

CCR #18

75 COURT STREET

RENO, NEVADA

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

BEFORE THE HONORABLE BRENT ADAMS, DISTRICT JUDGE

-o0o-

| | |
|---|---|
| THE STATE OF NEVADA,<br>Plaintiff,<br>vs.<br>MARC PAUL SCHACHTER,<br>Defendant. | CASE NO. CR14-1044<br>DEPARTMENT NO. 4 |

TRANSCRIPT OF PROCEEDINGS

STATUS HEARING

TUESDAY, SEPTEMBER 23, 2014, 9:00 A.M.

Reno, Nevada

Reported By: JUDITH ANN SCHONLAU, CCR #18
NEVADA-CALIFORNIA CERTIFIED; REGISTERED PROFESSIONAL REPORTER
Computer-aided Transcription

1 A P P E A R A N C E S

2 FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY

3 BY: ZALALEM BOGALE, ESQ.

4 DEPUTY DISTRICT ATTORNEY

5 WASHOE COUNTY COURTHOUSE

6 RENO, NEVADA

7

8

9 FOR THE DEFENDANT: APPEARING IN PROPER PERSON

10

11 STANDBY COUNSEL: OFFICE OF THE PUBLIC DEFENDER

12 BY: JAMES LESLIE, ESQ.

13 DEPUTY PUBLIC DEFENDER

14 350 S. CENTER STREET

15 RENO, NEVADA

16

17

18

19 PAROLE AND PROBATION: MARILYN LABADIE

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1 RENO, NEVADA; TUESDAY, AUGUST 21, 2014 A.M.

2 -oOo-

3 THE COURT: Mark Schachter. This is the time set for

4 a status hearing. Counsel, Wednesday pretrial motions set for

5 August 28th. I think those need to be moved to another date.

6 MR. LESLIE: Your Honor, please remember I am

7 standby counsel.

8 THE COURT: Yes.

9 MR. LESLIE: I had talked to Mr. Schachter about

10 that, told him that might be the Court's thought process. I

11 am here facilitating him being here for this status

12 conference. He had some issues to bring to the Court.

13 THE COURT: Okay. Go ahead, Mr. Schachter.

14 THE DEFENDANT: My motion to file today, I don't

15 have any copies, I didn't know if you were going to bring it

16 back. I don't have access to a copying machine.

17 THE COURT: You can give them to Mr. Leslie, then he

18 can see they get filed and served.

19 THE DEFENDANT: And I have the request for

20 stipulation of discovery. I hadn't signed it.

21 THE COURT: The request for reciprocal discovery?

22 THE DEFENDANT: No the stipulation that was in the

23 pretrial order. That is the one I am giving you.

24 THE COURT: Do you need a pen? We can get a pen.

1 MR. LESLIE: Your Honor, he's signing where it says
2 Public Defender's office, but since he's representing himself
3 that would be his signature.
4 THE COURT: Okay.
5 MR. LESLIE: Your Honor, I will hand that to the D.A.
6 THE COURT: Okay. That's correct.
7 THE DEFENDANT: The other issue I had was that one.
8 My motion is the DVD surveillance video part of discovery was
9 edited after it was in possession of the District Attorney or
10 in possession of the State. If they are not going to
11 stipulate that the video was edited, I am going to need a
12 court order for the sheriff to bring the DVD's with me when we
13 do the arguments.
14 THE COURT: Okay. So I think that makes sense anyway
15 for you to bring your legal documents and any discovery you
16 have to the hearing.
17 THE DEFENDANT: I would need a separate court order
18 for the sheriff in order to get to bring the DVD's. I don't
19 have custody of the DVD's.
20 THE COURT: Right. Okay. I am going to enter an
21 order all of his legal documents and discovery held by the
22 sheriff while he's representing himself be transported with
23 him to his hearing, the pretrial hearing, whenever that is
24 set. Okay. Anything else?

1 MR. LESLIE: Your Honor, we have got a trial date I
2 think on the 22nd of September. I am recalling in another pro
3 per case we had asked and the Court had granted that the State
4 be required to produce its proposed Jury Instructions a bit
5 earlier than usual just because of the logistics of him being
6 in custody and trying to come up with responsive Jury
7 Instructions of his own. So that was a discussion we had, and
8 I believe he's requesting that in this case.
9 THE DEFENDANT: Or in lieu of that, access to the
10 standard, one or the other.
11 THE COURT: In our district, Mr. Schachter, we don't
12 really have a stock set of Instructions. We have a lot of
13 Instructions we use all the time in the civil cases we do. In
14 criminal cases, we really don't have that that is an approved
15 book or anything like California has. So I don't know what my
16 pretrial Order--I think my pretrial Order requires the
17 Instructions be provided the Court by the Friday before trial.
18 I think it does make sense, Mr. Bogale, to go ahead and give
19 your proposed Instructions to the defendant sooner than that.
20 MR. BOGALE: I have no problem about that, Your
21 Honor. How much sooner?
22 THE COURT: Because of the logistics, it probably
23 would be best if you could get them to him by September 12th
24 then he has a whole week to work with Mr. Leslie in looking at

1 the Instructions.

2 MR. BOGALE: That is fine, Your Honor. I will make

3 sure I do that.

4 MR. LESLIE: If the State -- I am sure they will

5 provide me a copy that date, and I can review them and go up

6 and see Mr. Schachter as well.

7 THE COURT: Okay. Thank you.

8 MR. LESLIE: Your Honor, with regard to his motions,

9 do you want to file those in now or want my office to get

10 these filed today?

11 THE COURT: I think it would be better if your

12 office filed them today and make copies so you do actually do

13 the service.

14 MR. LESLIE: Okay.

15 THE COURT: The pretrial hearing set for the 28th is

16 going to be vacated, and we need to set a new date.

17 THE CLERK: Pretrial motions will be September 3rd

18 at 1:15.

19 MR. BOGALE: That is the hearing on the pretrial

20 motions?

21 THE COURT: Correct. We'll see you back at that

22 time. Is there anything else?

23 MR. LESLIE: Oh, Your Honor, Mr. Schachter had

24 requested some documents. I wanted to be clear on what those

1 were, and I am providing those to him. If I could just take a
2 moment, Your Honor. He had sent me a letter and asked for a
3 variety of things some of which I had already produced. But
4 in any event, I am now producing to him a copy of Chapter
5 205.060 through 205.295 inclusive. He had wanted some statutes
6 in there. So he has got that.
7 He had asked for the statute and statutory suggested
8 form for Guilty Plea Memorandum, NRS 174.063. I am providing
9 him a copy of that.
10 He had asked for Second Judicial District Court
11 Rules of Practice. He didn't specify, so I am providing him a
12 copy of the general Second Judicial Court Rules of Legal
13 Practice and Criminal Rules of Practice for our district.
14 Then he had asked for a variety of cases. I think
15 that, suffice it to say, I am providing him all of the U.S.
16 Supreme Court cases that he had requested on the third page of
17 his letter dated August 4th of this year.
18 And then, finally, Your Honor, he had asked for a
19 variety of supplies. I did provide him with a pad of lined
20 paper which is probably where he put together his written
21 motions. He had asked for a typewriter and pens. We don't
22 provide those. We have provided everything that we provide pro
23 per defendants when we are in standby capacity. So I just
24 wanted to let him know we are providing that to him today.

1 THE COURT: Okay.

2 THE DEFENDANT: I just had one question. So is the

3 deadline for any other motions going to be the 3rd or is

4 tomorrow the deadline?

5 THE COURT: Tomorrow is the deadline, still the

6 deadline.

7 THE DEFENDANT: Okay.

8 MR. LESLIE: Thank you, Your Honor.

9 MR. BOGALE: Just one point, Your Honor.

10 Mr. Schachter was referring to video or materials that were

11 edited or somehow changed. The only change the State made in

12 the discovery was to redact the Social Security numbers from

13 the file. Any other changes or modifications I am happy to

14 entertain from Mr. Schachter. But I have our investigator

15 here who actually served the discovery materials on him, and

16 he confirmed all that was redacted was the Social Security

17 numbers.

18 THE DEFENDANT: On the surveillance video?

19 MR. BOGALE: The Social Security numbers on the paper

20 material.

21 THE DEFENDANT: I'm talking about the surveillance

22 video was edited.

23 THE COURT: We'll just have to see.

24 THE DEFENDANT: Exactly.

1 MR. BOGALE: The State knows of no additions made to
2 the video.
3 THE COURT: Okay. That being said, we'll see you
4 back at your hearing.
5 THE DEFENDANT: Thank you, Your Honor.
6 THE COURT: You are welcome.
7 MR. BOGALE: Thank you, Your Honor.
8 (Whereupon, the proceedings were concluded.)
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STATE OF NEVADA, )
) ss.
COUNTY OF WASHOE. )

I, Judith Ann Schonlau, Official Reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, DO HEREBY CERTIFY:

That as such reporter I was present in Department No. 4 of the above-entitled court on Tuesday, September 23, 2014, at the hour of 9:00 a.m. of said day and that I then and there took verbatim stenotype notes of the proceedings had in the matter of THE STATE OF NEVADA vs. MARC PAUL SCHACHTER, Case Number CR14-1044.

That the foregoing transcript, consisting of pages numbered 1-14 inclusive, is a full, true and correct transcription of my said stenotypy notes, so taken as aforesaid, and is a full, true and correct statement of the proceedings had and testimony given upon the trial of the above-entitled action to the best of my knowledge, skill and ability.

DATED: At Reno, Nevada this 22nd day of September, 2014.

/s/ Judith Ann Schonlau
JUDITH ANN SCHONLAU CSR #18

FILED
Electronically
2014-08-28 04:41:40 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4583385 : shambrig

CODE 2650
Richard A. Gammick
#001510
P.O. Box 11130
Reno, NV 89520
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

_____/

OMNIBUS OPPOSITION TO DEFENDANT'S PRETRIAL MOTIONS

The State of Nevada, by and through RICHARD A. GAMMICK, Washoe County District Attorney and ZELALEM BOGALE, Deputy District Attorney, hereby files an omnibus opposition to all of Defendant Marc Paul Schachter's pretrial motions.[1]

INTRODUCTION

A jury trial in this case is presently scheduled for September 22, 2014 on an Amended Information charging Defendant with Attempted Robbery, Burglary, and Behavior as a Habitual Criminal. Pursuant to

[1] The State is aware that WCDR 10(9) states: "Any motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative." In an effort to promote judicial economy and conserve judicial resources, however, the State has included all of the oppositions to Defendant's pretrial motions in this one document. If the court desires the State to file each opposition separately, the State will do so.

the court's July 31, 2014 Order of Self-Representation and Appointment of Stand-By Counsel after a *Faretta* hearing,[2] Defendant is his own attorney. The Washoe County Public Defender's Office has been appointed as stand-by counsel.

ARGUMENT

As a general matter, none of Defendant's motions contain adequate factual allegations or relevant legal authorities to warrant relief. Nevertheless, the State will address each of Defendant's pretrial motions in turn, beginning with the motions filed on August 21, 2014 and concluding with the motion filed on August 22, 2014.

A. August 21, 2014 Motions

1. Motion to Compel the State to Provide Exculpatory Material ("Brady") in its Possession

In this motion, Defendant seeks an order to obtain the 911 calls and dispatch records from this case.

The State discovered this evidence by hand delivery to the Washoe County Sheriff at the jail on August 22, 2014. Therefore, this motion should be denied as moot.

2. Motion in Limine Re: Surveillance Video Evidence

In this motion, Defendant seeks an order limiting use of the surveillance video from Walmart for impeachment purposes only because the video files he received were allegedly "edited" on June 14, 2014 before they were discovered to him.

First, Defendant fails to sufficiently explain why he believes the video files were "edited." If he is referring to the "date

[2] *Faretta v. California*, 422 U.S. 806 (1975) (recognizing a defendant's Sixth Amendment right to conduct his own defense).

modified" category in the file as the basis for his contention, that does not necessarily amount to editing, particularly editing done for the purpose of distorting evidence, which appears to be the implication here. For example, the "date modified" category can refer to when that file on that particular disc was initially created, or uploaded to another computer system.

Second, the State received the video files in question on June 26, 2014, so the alleged editing, if any, to which Defendant refers could not have been done by the State, and the State should not be sanctioned as a result. The State has the same video files that Defendant has. If Defendant wants video files other than the ones he shares with the State, he may attempt to obtain them on his own. This motion should be denied.

3. Motion for Production of Replacement and/or Substitute Lost/Destroyed Evidence

In this motion, Defendant seeks an order requiring the production or duplication of the actual items he stole from Walmart. The basis for his motion is that these items were alleged "lost/destroyed."

These items were not lost/destroyed by the police or the State, they were restocked by Walmart pursuant to company policy. In fact, Defendant admits "at no time were the items in the possession of the police." (Mot. at 1.) In addition, showing the items would not make any fact of consequence in the case more or less probably. *See* NRS 48.015 (defining relevant evidence).

For these reasons, this motion should be denied.

4. Motion and Order to Obtain Material and Exculpatory Video Recording

In this motion, Defendant wants surveillance video allegedly showing him walking into Walmart with the backpack he is accused of stealing.

Under *Brady v. Maryland*, 373 U.S. 83 (1963), the State "has no obligation to produce information which it does not possess or of which it is unaware." *Sanchez v. United States*, 50 F.3d 1448, 1453 (9th Cir. 1995). And Defendant bears the burden of producing "some evidence" to support an inference that the State "possessed or knew about material favorable to the defense and failed to disclose it." *United States v. Price*, 566 F.3d 900, 910 (9th Cir. 2009).

The State does not possess or know about the video Defendant seeks to obtain. Therefore, this motion should be denied.

5. Motion for Preliminary Hearing Transcripts

In this motion, Defendant seeks an order requiring the production of the transcripts of the preliminary hearing in this case.

The State recently learned that because a malfunction occurred during the preliminary hearing, the hearing was not recorded and therefore cannot be transcribed. (*See* Ex. 1, Notice of Electronic Recording Malfunction (Reno Justice Court, Aug. 27, 2014).) Therefore, this motion should be denied as moot.

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6. Motion to Advise Witnesses for the State of Their Privilege Against Self-Incrimination

In this motion, Defendant seeks an order advising certain prospective witnesses for the State, who allegedly made false statements to the police in this case according to Defendant, that they could perjure themselves if they testify similarly.

First, the Fifth Amendment to the United States Constitution suffices to advise anyone, including these witnesses, of the privilege against self-incrimination, so an order to the same effect would be needlessly redundant. Second, these prospective witnesses are not facing criminal charges, so the privilege is inapplicable. Finally, there is no competent evidence that their statements to the police were false.

For these reasons, this motion should be denied.

7. Demand for Legal Materials and Legal Supplies

In this demand, Defendant seeks an order allowing him to access legal materials and supplies.

This motion appears to be directed toward the court (and the Washoe County Sheriff (jail)) rather than the State. The State therefore takes no position on this motion and defers to the court.

8. Addendum to Demand for Legal Materials and Legal Supplies

Because this addendum is an extension of the demand directly above, the State similarly takes no position on this addendum and defers to the court.

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9. Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence

This motion closely resembles the motion enumerated above as number four (4). The State therefore refers to and incorporates herein the points made in response to that motion, and urges the court to deny this motion.

10. Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence

It is the State's understanding that this motion is a duplicate of the motion directly above. The State therefore refers to and incorporates herein the points made in response to that motion, and urges the court to deny this motion.

B. FILED AUGUST 22, 2014

1. Motion to Dismiss Case for Prejudicial Delay Causing Loss of Exculpatory Material Evidence

In this motion, Defendant seeks an order dismissing this case because the court allegedly delayed in "coming to terms" with his self-representation, and that the court and the Washoe County Sheriff (jail) delayed in allowing him to view discovery provided to him by the State.

Because Defendant fails to make any allegations of delay or impropriety against the State, the court should not punish the State with a dismissal of this case. This motion should be denied.

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///

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 28th day of August, 2014.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
Deputy District Attorney

CERTIFICATE OF FORWARDING

I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I forwarded a true copy of the foregoing document, through the Washoe County interagency mail, addressed to:

MARK PAUL SCHACHTER Booking #1409450
C/O WASHOE COUNTY SHERIFF
911 PARR BLVD
RENO, NV

DATED this 28th day of August, 2014.

/s/KIM PACE
KIM PACE

## INDEX OF EXHIBITS


| | | |
|---|---|---|
| EXHIBIT 1 | SUPPLEMENTAL PROCEEDINGS | 7 PAGES |

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2014-08-28 04:41:40 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4583385 : shambrig

# EXHIBIT 1

EXHIBIT 1

CR14-1044 DC-0990005910 6-020
STATE VS. MARC PAUL SCHACHTE 7 Pages
District Court 08/27/2014 09:31 AM
Washoe County 4105
MRC CWOMBATC

Code 4105

FILED
14 AUG 27 AM 9:31
JOEY ORDUNA HASTINGS
CLERK OF THE COURT
BY S. Williams
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

SUPPLEMENTAL PROCEEDINGS

STATE OF NEVADA vs. Marc Paul Schachter - RCR2014-077569

August 27, 2014

Received of Justice of the Peace of Reno Township Documents to be filed:

1. TRANSCRIPT OF PRELIMINARY HEARING DATED JULY 1, 2014
2. NOTICE OF ELECTRONIC RECORDING MALFUNCTION

JOEY ORDUNA HASTINGS
Clerk of the Court

By S. Williams
Deputy

**CERTIFICATE OF CLERK**

I hereby certify that the enclosed documents are certified as true and correct copies of the original documents on file with the Reno Justice Court.

Dated on this the 27th day of August, 2014.

Steve Tuttle
Court Administrator

By: Debbie Phaney
Deputy Clerk

JUL 14
RECEIVED
RENO JUSTICE
COURT

IN THE JUSTICE COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE PATRICIA A. LYNCH, JUSTICE OF THE PEACE

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

_____/

Case No. RCR2014-077569

Dept. No. 1

TRANSCRIPT OF PROCEEDINGS
JAVS Recorded Preliminary Hearing
July 1, 2014

APPEARANCES:

For the Plaintiff: ZELALEM BOGALE, ESQ.
Deputy District Attorney
One South Sierra Street

For the Defendant In Propria Persona: MARC PAUL SCHACHTER

(JAVS ELECTRONICALLY RECORDED)

Transcribed by: Wendy L. Pearson

RENO, NEVADA; TUESDAY, JULY 1, 2014

--oOo--

(The entire proceeding contained nothing but a loud static buzz sound.)

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

I, WENDY L. PEARSON, do hereby state that I was not present for the Preliminary Hearing in the Reno Justice Court for the above-entitled matter on Tuesday, July 1, 2014, but transcribed the proceedings given upon the matter captioned herein from the JAVS electronically recorded audio media;

That the foregoing transcript, consisting of pages 1 and 2, is a full, true and correct transcription of said JAVS electronically recorded audio media.

DATED: At Reno, Nevada, this 3rd day of July, 2014

WENDY L. PEARSON

FILED

2014 AUG 27 AM 7:49

STEVE TUTTLE
RENO JUSTICE COURT
BY DS
DEPUTY

IN THE JUSTICE COURT OF RENO TOWNSHIP

COUNTY OF WASHOE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

Case No. RCR2014-077569

Dept. No. 1

/

**NOTICE OF ELECTRONIC RECORDING MALFUNCTION**

Please take notice that on July 1, 2014, the Preliminary Hearing was held in The State of Nevada vs. Marc Paul Schachter.

As per NRS 4.400, the designated clerk of the court operated the sound recording equipment in proper manner:

NRS 4.400 Operation of equipment; transcription of recordings; use of transcript.

1. Each justice of the peace shall appoint and, with the approval of the board of county commissioners, fix the compensation of a suitable person, who need not be a certified court reporter and may have other responsibilities in the court to operate the sound recording equipment. The person so appointed shall subscribe to an oath that the person will so operate it as to record all of the proceedings.
2. The justice of the peace may designate the same or another person to transcribe the recording into a written transcript. The person so designated shall subscribe to an oath that the person

has correctly transcribed it. The transcript may be used for all purposes for which transcripts are used and is subject to correction in the same manner as other transcripts.

The sound recording equipment was turned on at the commencement of the Preliminary Hearing and recorded nothing but static noise throughout the entirety of the proceeding in the above-entitled case on the referenced date and was materially or extensively defective due to equipment failure.

Attached hereto is a certified transcript of proceedings in this case.

I HEREBY SUBSCRIBE that the recording equipment was operated in proper manner to the best of my knowledge and ability.

DATED this 27th day of August 2014.

Debbie Henry
Court Clerk of
Reno Justice Court

FILED
Electronically
2014-08-26 03:14:59 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4578682 : shambrig

CODE 1040
Richard A. Gammick
#001510
P.O. 30083
Reno, NV. 89520-3083
(775)328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MARC PAUL SCHACHTER,
also known as
MARC PAUL SCHACTER,

Defendant.
_____/

Case No.: CR14-1044

Dept. No.: D04

AFFIDAVIT OF SERVICE

STATE OF NEVADA )
):ss.
COUNTY OF WASHOE)

I, MICHELLE BAYS, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

That affiant is, and was on the day when she served the within a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that affiant received the MOTION IN LIMINE REGARDING PRIOR BAD ACTS, IF ANY, OF THE STATE'S WITNESSES, NOTICE OF STATE'S INTENT TO IMPEACH DEFENDANT'S

CREDIBILITY WITH HIS PRIOR FELONY CONVICTIONS IF HE DECIDES TO TESTIFY and MOTION IN LIMINE REGARDING DEFENDANT'S EXAMINATION OF WITNESSES on the 22nd day of August, 2014, and personally served the same upon MARC PAUL SCHACHTER, also known as MARC PAUL SCHACTER on the 22nd day of August, 2014, by delivering personally to MARC PAUL SCHACHTER, also known as MARC PAUL SCHACTER c/o the Washoe County Jail, in County of Washoe, State of Nevada, a copy of the said documents.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

STATE OF NEVADA )
):ss.
COUNTY OF WASHOE)

Subscribed and sworn to before me
this 26th day of August, 2014.

ALICIA AGRELLA
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 11-4301-2 - Expires January 25, 2015

NOTARY PUBLIC

CODE 1590
MARC SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PRO PER

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2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF
v.
MARC ALAN SCHACHTER,
DEFENDANT.

CASE NO.: CR-14-1044
DEPT. NO.: 4

DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLIES

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, RESPECTFULLY DEMANDS THE DISTRICT COURT PROVIDE THIS INDIGENT PRO SE DEFENDANT WITH THE MATERIALS AND SUPPLIES NEEDED TO DEFEND HIMSELF IN THE ABOVE CAPTIONED CRIMINAL PROCEEDING.

THIS DEMAND IS MADE PURSUANT TO THE UNDERLYING FACTS OF THIS CASE, THIS SIXTH AMENDMENT TO THE US CONSTITUTION, DEFENDANT'S FREE-STANDING DUE PROCESS RIGHTS, STATE LAW AND WELL-SETTLED CASE LAW.

ON JULY 1, 2014 JUDGE LYNCH (DEPT. 1 RENO JUSTICE COURT) ACCEPTED DEFENDANT'S WAIVER OF ASSISTANCE

TO COUNSEL AND ALLOWED THE DEFENDANT TO REPRESENT HIMSELF. THE COURT DENIED THE STATE'S REQUEST TO APPOINT "STAND-BY" COUNSEL. ON JULY 24, 2014 THE DISTRICT COURT FOLLOWING A LENGTHY CANVASS AGAIN ACCEPTED DEFENDANTS PRO SE WAIVER, BUT JUDGE STEINHEIMER APPOINTED "STAND-BY" COUNSEL BECAUSE THE WASHOE COUNTY JAIL LACKED A LAW LIBRARY. [NOTE: IT WAS NOT REQUESTED BY DEFENDANT AS STATED IN THE COURT-ORDER DATE 7-30-14] OVER THE DEFENDANT'S OBJECTION, CHIEF, PUBLIC DEFENDER JAMES LESLIE WAS APPOINTED STAND-BY COUNSEL. MR. LESLIE APPEARS UNABLE OR UNWILLING TO PROVIDE THE DEFENDANT WITH THE NECESSARY LEGAL MATERIALS OR LEGAL SUPPLIES.

THE FACT THAT THE DEFENDANT HAS EXERCISED BOTH HIS RIGHT TO SELF-REPRESENTATION AND HIS RIGHT TO A SPEEDY TRIAL DOES NOT IN ANY WAY EXCUSE THE DISTRICT COURT FROM ITS OBLIGATION THAT THE DEFENDANT RECEIVE A FAIR TRIAL.

THE DEFENDANT CAN HARDLY BE EXPECTED TO ADHERE TO THE PRETRIAL ORDER DATED 8/5/14 WHEN STAND-BY COUNSEL HAS NOT PROVIDED THE DEFENDANT WITH THE REQUESTED NRS, LOCAL COURT RULES, SPECIFIC CASES, NUMBER 2H PAPER,

COPIES, POSTAGE, CALCRIM JURY INSTRUCTIONS OR METHOD TO FILE SUBPEONAS. DEFENDANT HAS ALSO NOT BEEN NOTICED ABOUT THE STATUS OF THE INVESTIGATOR. IT TOOK TWO COURT ORDERS AND TWO GRIEVANCES JUST TO GET THE SHERIFF'S DEPARTMENT TO MAKE DEFENDANTS DISCOVERY AVAILABLE.

WHILE DEFENDANT'S CHOICE TO SELF-REPRESENTATION MAY PRECLUDE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL, A COURT APPOINTED STAND-BY COUNSEL THAT FAILS TO FILL THE VOID FOR A LACK OF A LAW LIBRARY VIOLATES THE DEFENDANT'S RIGHT TO PROCEED PRO SE BECAUSE IT INTERFERES WITH THE DEFENDANTS OWN ACTIONS IN SUCH A WAY AS TO DEPRIVE HIM OF "ACTUAL CONTROL OVER THE CASE HE CHOSE TO PRESENT TO THE JURY." McKASKLE V. WIGGINS, 465 US 168, 104 S.CT. 944, 79 L.ed.2d 122 (1984).

A WAIVER OF ASSISTANCE TO COUNSEL IS NOT A WAIVER OF THE ENTIRE SIXTH AMENDMENT. THIS COURT NEED ONLY TO LOOK AT ANY OTHER JURISDICTION OR THE FEDERAL COURT TO REALIZE A INDIGENT PRO SE CRIMINAL DEFENDANT IS ENTITLED TO ACCESS TO BOTH LEGAL RESEARCH MATERIALS AND THE LEGAL SUPPLIES NECESSARY TO DEFEND HIMSELF ACCORDING TO THE LAW.

CONCLUSION

THE DEFENDANT, MARC SCHACHTER, DEMANDS THAT THIS COURT MAKE THE APPROPIATE LEGAL MATERIALS AND LEGAL SUPPLIES AVAILABLE TO THE DEFENDANT FORTHWITH AND WITHOUT DELAY IN ACCORDANCE WITH THE CONSTITUTION OF THIS STATE AND THE CONSTITUTION OF THE UNITED STATES.

DATE: August 9, 2014

x Marc Sch

MARC SCHACHTER, PRO PER

AFFIRMATION PURSUANT TO NRS 239B.030

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THIS DEMAND DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 9, 2014

Marc Sch

MARC SCHACHTER, PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 1020
MARC SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF,
V.
MARC PAUL SCHACHTER,
DEFENDANT.

CASE NO.: CR-14-1044
DEPT. NO.: 4

ADDENDUM TO DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLIES

THE FOLLOWING IS A LIST OF THE LEGAL MATERIALS AND SUPPLIES REQUESTED BY THE DEFENDANT IN HIS DEMAND DATED AUGUST 9, 2014.

NEVADA REVISED STATUTES (NRS) - CONDENSED SOFT COVER
NRS WITH CASE NOTES FOR SECTIONS: 193.350, 200.380, 205.060, 207.010, 207.016, 205.290, 205.295.
LOCAL COURT RULES (LCR, WDCR)
NEVADA PATTERN JURY INSTRUCTIONS, DEVITT AND BLACKMAR JURY INSTRUCTIONS AND CALCRIM JURY INSTRUCTIONS
CRIMINAL PRACTICE AND PROCEDURE GUIDES (C.E.B., UNR, UNLV)
FIVE (5) BLANK SUBPEONA FORMS

FOUR (4) BLANK SUBPEONA DUCES TECUM FORMS

ACCESS TO A TYPEWRITTER
16 lb. BLACK BORDER 24# NUMBERED PAPER
ENVELOPES (LEGAL AND 9x12)
POSTAGE
ACCESS TO COPY MACHINE

CASES:

WALDER V. US, 347 US 62, 74 S.Ct. 354, 98 L.ed. 503 (1954)
ARIZONA V. YOUNGBLOOD, 488 US 51, 109 S.Ct 333, 102 L.ed.2d. 281 (1988)
KYLES V. WHITLEY, 514 US 419, 115 S.Ct. 1555, 131 L.ed 2d 490 (1995)
US V. BAGLEY, 473 US 667, 105 S.Ct. 3375, 87 L.ed.2d 481 (1985)
CALIF. V. TROMBETTA, 467 US 479, 104 S.Ct. 2528, 81 L.ed.2d. 413 (1984)
PENN. V. RITCHIE, 480 US 39, 107 S.Ct. 989, 94 L.ed.2d 40 (1987)
WEATHERFORD V. BURSEY, 429 US 545, 97 S.Ct. 837, 51 L.ed 2d. 30 (1977)
APPRENDI V. NEW JERSEY, 530 US 466, 120 S.Ct. 2348, 147 L.ed 2d. 435 (2000)

**AFFIRMATION PURSUANT TO NRS 239B.030**

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 21st day of August, 2014.

/s/DEBBIE BRUNNER
DEBBIE BRUNNER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2290
MARC SCHACHER
[illegible]
[illegible] PARK CIR
RENO, NV 89512
IN PROPER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF,

V.

CASE NO.: CR14-1044
DEPT NO.: 4

MARC [illegible] SCHACHER,
DEFENDANT.

/

MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST AND/OR DESTROYED MATERIAL EXCULPATORY EVIDENCE

THE DEFENDANT, MARC SCHACHER, IN PRO PER, COMES NOW TO MOVE THIS COURT TO DISMISS THE ABOVE CAPTIONED CASE FOR THE FAILURE TO PROVIDE CONSTITUTIONALLY-GUARANTEED ACCESS TO EVIDENCE.

THIS MOTION IS BASED ON THE UNDERLYING FACTS OF THIS CASE, THE NEVADA REVISED STATUTES (NRS), ARIZONA V. YOUNGBLOOD, 488 US 51, 109 S.Ct. 333, 102 L.ed.2d. 281 (1988), CALIFORNIA V. TROMBETTA, 467 US 479, 104 S.Ct. 2528, 81 L.ed.2d. 413 (1984) AND PENNSYLVANIA V. RITCHIE, 480 US 39, 107 S.Ct. 989, 94 L.ed2d 40 (1987).

BACKGROUND

ON 6-9-14, THE DEFENDANT WAS ARRESTED BASED ON STATEMENTS FROM ALED MONROY AND ANNA YOUNG THAT THEY OBSERVED THE DEFENDANT SELECT A BACKPACK FROM A SHELF, PLACE ITEMS IN THE BACKPACK, AND EXIT THE STORE WITHOUT PAYING FOR THE BACKPACK OR THE ITEMS INSIDE THE BACKPACK. A SINGLE PICTURE OF THE BACKPACK AND ITEMS WAS INCLUDED IN THE STATES DISCOVERY, BUT NO MENTION OF THE PICTURE EXISTS IN THE POLICE REPORTS OR THE WITNESS' STATEMENT. A TRAINING RECEIPT WAS ALSO PROVIDED IN THE DISCOVERY SHOWING THE VALUE OF THE ITEMS, BUT THE BACKPACK LISTED ON THE TRAINING RECEIPT IS NOT THE SAME AS THE BACKPACK IN THE PICTURE. THE BACKPACK TAKEN FROM THE DEFENDANT BY MR. MONROY AND ANNA YOUNG WAS CUSTOMIZED BY THE DEFENDANT, THE BACKPACK WAS GIVEN TO WALMART FOR RE-SALE ACCORDING TO TESTIMONY.

POINTS AND AUTHORITIES

IN 1988, THE US SUPREME COURT IMPOSED TWO RIGOROUS STANDARDS FOR CLAIMS, IN WHICH, THE DEFENDANT CLAIM EVIDENCE LOST OR DESTROYED BY THE PROSECUTION WOULD HAVE BEEN EXCULPATORY AND MATERIAL. [SEE ARIZONA V. YOUNGBLOOD (1988), SUPRA]

FIRST, THE DEFENDANT CANNOT GAIN RELIEF, IF THE LOST OR DESTROYED EVIDENCE WAS OF SUCH A NATURE THAT THE DEFENDANT CAN REPLACE IT WITH "COMPARABLE EVIDENCE BY OTHER REASONABLY AVAILABLE MEANS." [SEE TRONBETTA, SUPRA] IN THE INSTANT CASE, BECAUSE THE BACKPACK WAS CUSTOMIZED, IT THEREFORE CANNOT BE REPLACED BY OTHER MEANS. SECOND, THE DEFENSE MUST SHOW "BAD FAITH" BY THE POLICE OR PROSECUTOR IN THEIR FAILURE TO PRESERVE THE EVIDENCE. UNDER NRS 205.290 THE POLICE HAVE THE OBLIGATION AND DUTY TO INVENTORY AND SAFEKEEP THE "ALLEDGED STOLEN" PROPERTY UNTIL IT IS DELIVERED TO THE PROSECUTOR. IN THE INSTANT CASE, IT APPEARS FROM ALL REPORTS THAT THE POLICE NEVER TOOK (OR HAD) CUSTODY OF THE "ALLEDGED STOLEN" PROPERTY AT ANY TIME. ACCORDING TO THE POLICE REPORTS AND THE WITNESS STATEMENT, MR. MONROY AND MS. YOUNG HAD POSSESSION OF THE "PROPERTY" WHEN THE POLICE FIRST ARRIVED, THEN MS YOUNG TOOK THE "PROPERTY" TO CUSTOMER SERVICE WHERE IT WAS TO BE RE-SOLD. SINCE THE OUTSET OF THIS CASE, THE DEFENDANT HAS ADAMENT ABOUT RECEIVING THE DISCOVERY AND ATTEMPTING TO OBTAIN BOTH THE BACKPACK OR AT THE VERY LEAST THE VIDEO(S) TO PROVE HE HAD THE BACKPACK IN HIS POSSESSION WHEN HE ENTERED THE STORE THEREBY RECUTTING MR MONROY AND MS. YOUNG'S STATEMENT. BOTH THE PROSECUTOR AND THE COURT

HAVE USED THE DEFENDANT'S DESIRE TO REPRESENT HIMSELF AS AN EXCUSE TO DELAY OR RESTRICT THE DEFENSE FROM USING THE SUBPEONA POWER TO COLLECT FURTHER EXCULPATORY EVIDENCE THAT WOULD ALSO PROVE THE BACKPACK WAS IN HIS POSSESSION PRIOR TO ENTERING THE STORE AND THAT IT WAS CUSTOMIZED WHICH IN TURN PROVES THE BACKPACK ITSELF MATERIAL AND EXCULPATORY. IN PENNSYLAVINA V. RITCHIE (1987), SUPRA, THE HIGH COURT AFFIRMED THE AVAILABILITY OF THE SUBPEONA POWER TO OBTAIN POTENTIALLY EXCULPATORY EVIDENCE AND THE PROHIBITION AGAINST GOVERNMENTAL ACTIONS THAT INTERFERE WITH THE DEFENSE'S UTILIZATION OF THAT SUBPEONA POWER. WHEN THIS DISTRICT COURT ACCEPTED THE DEFENDANT'S WAIVER OF ASSISTENCE TO COUNSEL (JULY 24, 2014 @ 1:30), THE COURT STATED IT WAS APPOINTING "STAND-BY" COUNSEL BECAUSE THERE WAS NO LAW LIBRARY AT THE WASHOE CO. JAIL. AT THAT TIME, THE DEFENDANT ALSO SUBMITTED A MOTION FOR AN INVESTIGATOR. WHILE THE COURT "DRAGS ITS FEET" AND DELAYS MAKING DECISIONS, THE STATE WITHHOLDS "BRADY" MATERIAL AND THE STAND-BY LAWYER IS IN PLEA NEGOTIATIONS WITH HIMSELF AND THE SHERIFF'S DEPARTMENT PLAYS CENSOR TO WHAT DISCOVERY THE DEFENDANT CAN SEE, THEREBY PROHIBITING THE DEFENDANT FROM OBTAINING EXCULPATORY EVIDENCE THAT WOULD EXONERATE HIM.

UNCONSTITUTIONAL AND PRAYS FOR RELIEF.

IT MAKES NO SENSE THAT THE JUSTICE COURT AND NOW THE DISTRICT COURT WOULD SPEND SO MUCH TIME PROTECTING THEMSELVES FROM APPELLATE REVIEW AND WARNING THE DEFENDANT OF THE PERILS OF SELF-REPRESENTATION, WHILE THEY IGNORE HIS 5TH, 6TH AMENDMENT AND DUE PROCESS RIGHTS. MR. SCHACHTER HAS MAINTAINED HIS INNOCENCE THROUGHOUT THESE PROCEEDINGS AND CONTINUES TO DO SO. EITHER THE EVIDENCE THAT IS STILL AVAILABLE (DESPITE THE STATE AND COURT INTERFERENCE; AND THE POLICE'S DISREGARD FOR THE LAW) SHOULD BE GIVEN FULL REALITY TO BE GATHERED BY ALL PARTIES OR THESE CHARGES SHOULD BE DISMISSED.

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, PRAYS THAT THIS COURT DISMISS THIS CASE FOR THE REASONS STATED ABOVE AND PURSUANT TO THE LAW.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THIS MOTION DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

Date: Aug 6, 2011

X [signature]
MARC SCHACHTER, IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2490
MARC SCHACHTER
#1149945
911 PARK RD.
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF,
v.
MARC PAUL SCHACHTER,
DEFENDANT.

CASE NO: CR-14-1044
DEPT. NO: 4

MOTION TO ADVISE WITNESSES FOR THE STATE OF THEIR PRIVILEGE AGAINST SELF-INCRIMINATION

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, HEREBY MOVES THIS COURT THAT PROSECUTION WITNESSES MONROY AND YOUNG SHOULD BE MADE AWARE OF THEIR POTENTIAL CRIMINAL LIABILITY AND THAT THEIR PRIVILEGE AGAINST SELF-INCRIMINATION REQUIRES THE WITNESS TO EXERCISE THE PRIVILEGE AT THE POINT OF COMPULSION, BEFORE MAKING ANY STATEMENT.

AT TRIAL, THE DEFENSE WILL SHOW THAT PROSECUTION WITNESSES ALEX MONROY AND ANNA YOUNG KNOWINGLY MADE FALSE

STATEMENTS TO THE POLICE ON JUNE 9, 2014 IN REGARDS TO AN ALLEGED THEFT BY THE DEFENDANT. AT THE POINT IN WHICH THOSE STATEMENTS ARE SHOWN TO BE FALSE, THE TWO WITNESSES, MR. MOORE AND MS. YOUNG ARE CRIMINALLY LIABLE NOT JUST TO A PERJURY CHARGE, BUT TO MUCH MORE SEVERE AND SERIOUS ROBBERY, BURGLARY, FALSE IMPRISONMENT/KIDNAP CHARGES WITH A POTENTIAL 30 PLUS YEARS IN PRISON OR A LIFE SENTENCE.

BECAUSE OF THE SEVERITY OF THEIR EXPOSURE THE WITNESSES SHOULD BE MADE AWARE THAT IN ANSWERING THE FIRST QUESTION THEY WAIVE THEIR PRIVILEGE (ROGERS V. U.S., 340 US 367, (1951)) AGAINST SELF-INCRIMINATION.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THIS MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 19, 2014

X [signature]
MIKE SCHWARTZ
IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

BODE 2153
MARC SCHACHTER
#1107450
711 PARK BLVD
RENO, NV 89512
IN PROPER

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Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,
PLAINTIFF

V.

MARC PAUL SCHACHTER,
DEFENDANT

CASE NO. CR-14-1044
DEPT. NO 4

MOTION FOR PRELIMINARY HEARING TRANSCRIPTS

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW AND MOVES THIS COURT TO PROVIDE THE INDIGENT PRO PER DEFENDANT WITH THE TRANSCRIPTS FROM THE JULY 1, 2014 PRELIMINARY HEARING HELD IN DEPT. 1 OF THE RENO JUSTICE COURT AT 1:30PM.

THESE TRANSCRIPTS ARE REQUESTED BY THE DEFENSE TO FURTHER IMPEACH THE TESTIMONY OF WITNESS A. MONROY.

AS THE DEFENDANT REMAINS INDIGENT AND WITHOUT FUNDS, HE FURTHER REQUEST THIS

COURT TO PROVIDE THE DEFENDANT THESE TRANSCRIPTS AT THE STATES EXPENSE.

THIS MOTION IS MADE PURSUANT TO THE NRS, THE DEFENDANT'S "FREE STANDING" DUE PROCESS RIGHTS, AND ESTABLISHED CASE LAW. [NOTE: DEFENDANT APOLOGIZES FOR LACK OF MORE SPECIFIC AUTHORITY, BUT IS UNABLE DUE TO LACK OF ACCESS TO LEGAL MATERIALS AT THIS TIME.]

SUBMITTED,

DATE: August 17, 2014

MARC SCHACHTER, PRO PER

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THE FOREGOING MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 17, 2014

MARC SCHACHTER

IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CASE 2010
MARC SCHACHTER
#[illegible]
[illegible]
[illegible]
[illegible]

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF,
V.
MARC PAUL SCHACHTER,
DEFENDANT,

CASE NO: CR-14-1044
DEPT. NO: 4

MOTION TO COMPEL THE STATE TO PROVIDE EXCULPATORY MATERIAL ("BRADY") IN ITS POSSESSION.

THE ABOVE NAMED DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW AND MOVES THIS COURT TO COMPEL THE STATE TO PROVIDE THE DEFENDANT WITH THE FOLLOWING EXCULPATORY MATERIALS:

ALL RENO POLICE DISPATCH AND 9-1-1 EMERGENCY CALL TRANSCRIPTS AND RECORDS PERTAINING TO THIS CASE, INCLUDING BUT NOT LIMITED TO THE DEFENDANTS 911 CALL, ANNA YOUNG'S 911 CALL, OTHER WITNESSES AT THE SCENE, AND RENO POLICE DISPATCH AND COMMUNICATION TRANSCRIPTS.

THESE MATERIALS ARE EITHER MENTIONED IN THE POLICE REPORTS FILED IN THIS CASE OR PERSONALLY KNOWN BY THE DEFENDANT.

THIS MOTION IS MADE PURSUANT TO THE CONSTITUTIONAL RIGHTS OF THIS CASE, THE NEVADA REVISED STATES, THE CONSTITUTION OF THE UNITED STATES AND BRADY V. MARYLAND, 373 U.S. 83 (1963).

Dated: April 2, 2014

Marc Schachter
MARC SCHACHTER
IN PRO PER

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING MOTION DOES NOT CONTAIN ANY PERSON(S) SOCIAL SECURITY NUMBER(S).

Dated: April 2, 2014

Marc Schachter
MARC SCHACHTER
IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 1986
MARC SCHACHTER
#1409450
1 PARR BLVD.
RENO, NV 89512
PRO PER

FILED
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2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF,

v.

CASE No.: CR14-1042
DEPT. No.: 4

MARC PAUL SCHACHTER,
DEFENDANT /

MOTION AND ORDER TO OBTAIN MATERIAL AND EXCULPATORY VIDEO RECORDING

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW AND RESPECTFULLY MOVES THIS COURT TO ORDER THE STATE TO OBTAIN A CERTAIN MATERIAL AND EXCULPATORY VIDEO RECORDING AS DESCRIBED BELOW.

THIS MOTION AND ORDER IS BASED ON THE UNDERLYING FACTS OF THIS CASE AND THE POINTS AND AUTHORITIES CITED, INCLUDED HEREIN.

THERE CURRENTLY EXISTS MATERIAL AND EXCULPATORY VIDEO RECORDING OF THE DEFENDANT, MARC SCHACHTER, ENTERING THE WAL-MART (STORE #3264) LOCATED AT 5260 W. 7TH STREET RENO, NV. ON JUNE 9, 2014 AT APPROXIMATELY 11:00 AM [10:55 AM – 11:15 AM], THE DEFENDANT ENTERED THE WAL-MART THROUGH THE "GENERAL MERCHANDISE" ENTRANCE WITH THE SAME BACKPACK THE STATE'S WITNESS, ALEX MONROY, TESTIFIED AND DECLARES HE OBSERVED DEFENDANT SELECT FROM A SHELF AND STEAL. THE VIDEO WILL SHOW MR MONROY PERJURED HIMSELF

APART FROM THE RESPONSIBILITIES IMPOSED BY THE MORE SPECIFIC CONSTITUTIONAL GUARANTEES, THE PROSECUTION IS SUBJECT TO DUE PROCESS REQUIREMENTS RELATING TO ITS ROLE AS THE REPRESENTATIVE OF THE STATE, "WHOSE INTEREST IN A CRIMINAL PROSECUTION IS NOT THAT IT SHALL WIN A CASE, BUT THAT JUSTICE SHALL BE DONE." BERGER v. U.S., 295 U.S. 78, 55 S.Ct. 629, 79 L.Ed. 1314 (1935). BUILDING ON THIS OBLIGATION, A SERIES OF CASES HOLD THE PROSECUTION MUST CORRECT ANY MATERIAL PERJURED TESTIMONY OF ITS WITNESSES WHEN IT KNOWS, OR SHOULD KNOW FROM INFORMATION THAT IT HAS RECEIVED, THAT THE TESTIMONY IS FALSE. [SEE GIGLIO v. U.S., 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d. 104 (1972)]

## CONCLUSION

FROM THE OUTSET OF THIS CASE, THE DEFENDANT, MR. SCHACHTER, HAS MAINTAINED HIS INNOCENCE. AT EACH AND EVERY COURT APPEARENCE MR. SCHACHTER HAS MADE IT ABUNDANTLY CLEAR HIS DESIRE TO REPRESENT HIMSELF AND HIS DESIRE TO EXAMINE THE EVIDENCE AGAINST HIM IN ORDER TO SHOW HIS INNOCENCE.

ALTHOUGH MR. SCHACHTER HAS NOT WAIVED ANY TIME CONSTRAINTS IN EITHER JUSTICE COURT OR DISTRICT COURT, THIS CASE ENTERS ITS EIGHTH WEEK AND SEVENTH COURT APPEARENCE AND THE DEFENDANT STILL HAS NOT RECEIVED FULL DISCOVERY (DESPITE TWO COURT ORDERS) INCLUDING "BRADY" MATERIAL IN THE STATE'S POSSESSION. FURTHER, IT HAS BEEN 30 DAYS SINCE THE FIRST "FARETTA WAIVER" WAS ACCEPTED, BUT THE DEFENDANT IS STILL REDUCED TO HAND-WRITTEN (IN PENCIL) PLEADINGS USING A SINGLE CITE BOOK AND A BLACK'S LAW DICTIONARY. IN ADDITION, THE WASHOE COUNTY SHERIFF'S DEPARTMENT NOW INFORMS ME, THEY WILL NOT ALLOW ME TO VIEW THE RECORDED PORTION OF THE DISCOVERY WITHOUT A COURT-ORDER.

WHILE MR. SCHACHTER REALIZES AND APPRECIATES HIS INNOCENCE AND HIS DESIRE TO REPRESENT HIMSELF HAS UPSET THE "NATURAL FLOW" OF JUSTICE AND THE NORMAL STATUS QUO OF THE COURTHOUSE, THE ACTUAL NET RESULT OF ALL THE WELL-INTENDED WARNINGS AND PRECAUTIONS HAS BEEN A DELAY (PERHAPS, A PREJUDICIAL DELAY) IN OBTAINING THE EXCULPATORY EVIDENCE THAT WILL EXONERATE HIM.

IT IS FOR THE ABOVE REASONS THE DEFENDANT, MARC SCHACHTER, PRAYS THAT THE COURT WILL ATTEMPT TO "EVEN THE PLAYING FIELD" BY ORDERING THE VIDEO REPORTING AS SPECIFIED ON PAGE 2 AND/OR ANY OTHER EVIDENCE THE COURT DEEMS APPROPIATE.

DATE: July 30, 2014

Marc Schachter

MARC SCHACHTER PRO PER

AFFIRMATION PURSUANT TO NRS 239B.030

PURSUANT TO NRS 239B.230, THIS DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBERS OF ANY PERSON(S).

DATE: July 30, 2014

Marc Schachter

PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2050
MARC SCHACHTER
[illegible]450
PARK BLVD.
RNO NV 89502
IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF,

v.

CASE NO.: CR-14-1044
DEPT. NO.: 4

MARC PAUL SCHACHTER,
DEFENDANT.

/

MOTION FOR THE PRODUCTION OF "REPLACEMENT" AND/OR "SUBSITUTE" LOST/DESTROYED EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW AND MOVES THIS COURT TO PROVIDE THE DEFENDANT WITH A "REPLACEMENT" SET OF THE ITEMS THE STATE ACCUSSES THE DEFENDANT OF STEALING.

IN THE AMENDED INFORMATION DATED 7-14-14, THE STATE ALLEGES DEFENDANT STOLE PROPERTY FROM WALMART. ACCORDING TO THE POLICE REPORTS AND WITNESS STATEMENT THE PROPERTY WAS TAKEN TO CUSTOMER SERVICE AND A TRAINING RECEIPT WAS ISSUED SHOWING THE ITEMS AND THE PRICE OF THE ITEMS. AT NO TIME WERE THE ITEMS IN THE POSSESSION OF THE POLICE.

THE WARRANTY RECEIPT LISTS FOUR (4) ITEMS:

(1) ICY HOT #004116708045H $24.88

(2) HEATING PAD #002704574460 29.84

(3) HAIR COLOR #038187900306 5.92

(4) BACKPACK #002096858979 34.97

ACCORDING TO TESTIMONY AT THE PRELIMINARY HEARING THE PROPERTY WAS RETURNED TO THE STORE FOR SALE WHICH THE DEFENDANT ARGUES IN A SEPARATE MOTION THAT THE PROPERTY WAS LEGALLY HIS AND HE HAD POSSESSION OF SAID PROPERTY WHEN HE ENTERED THE STORE, THE CHARGES SHOULD BE DISMISSED UPON A SHOWING OF BAD FAITH IN FAILING TO SAFEKEEP THE PROPERTY AND THE EXCULPATORY NATURE OF THE PROPERTY. THE DEFENDANT ALSO MOVES THE COURT THAT BARRING A DISMISSAL OF THE CHARGES, THE COURT WILL ORDER THE STATE TO PROVIDE 'REPLACEMENT' OR SUBSTITUTE ITEMS THAT THE DEFENSE CAN SHOW THE JURY TO AID HIS DEFENSE.

THE UNDERSIGNED AFFIRMS THAT THIS DOCUMENT HEREBY FILED DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S) PURSUANT TO NRS 239B.030

DATE: AUGUST 12, 2014

[signature]
HAIR SANDERS
IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2245
MARC SCHACHTER
#1409450
11 PARK RDG.
RENO, NV 89512
PRO PER

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Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF,

V.

CASE NO: CR-14-1044
DEPT. NO: 4

MARC PAUL SCHACHTER,
DEFENDANT.

MOTION IN LIMINE RE: SURVEILLANCE VIDEO EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER COMES NOW AND MOVES THIS COURT FOR AN ORDER IN LIMINE LIMITING THE STATE'S SURVEILLANCE VIDEO EVIDENCE FOR IMPEACHMENT PURPOSES ONLY.

ON JUNE 10, 2014, RENO POLICE DETECTIVE REED (R9473) OBTAINED, "1 DISK OF SURVEILLANCE VIDEO" FROM WALMART EMPLOYEE ANNA YOUNG. THE DISK WAS BOOKED INTO THE RENO POLICE EVIDENCE SOMETIME LATER. [SEE RENO POLICE REPORT DATED 6/10/14 PAGE 3 OF 5]. PURSUANT TO THIS COURT'S ORDER ON 7-25-14, THE DISTRICT ATTORNEY PROVIDED "EVERYTHING DISCOVERABLE IN OUR FILE" TO THE WASHOE COUNTY SHERIFF'S OFFICE FOR DELIVERY

TO THE DEFENDANT. [NOTE: IT INCLUDED TWO (2) DVD DISKS WHICH WERE WITHHELD FROM DEFENDANT BY THE SHERIFF UNTIL AUGUST 8, 2014.] THE DISKS WERE LABELED WITH THE DEFENDANT'S NAME, CASE NUMBER, DATE OF INCIDENT AND DISK #1, DISK #2. THERE WAS NO "CHAIN OF CUSTODY" INFORMATION EITHER WITH THE DISKS OR INCLUDED IN THE DISCOVERY.

UPON REVIEW OF THE VIDEO AND THE VIDEO FILES CONTAINED ON THE DISK, THE FILES SHOW THE DISK WAS EDITED ON SATURDAY JUNE 14, 2014. (EACH DISK WAS EDITED AT DIFFERENT TIMES) THE EDITING ON THE SATURDAY FOLLOWING THE DEFENDANT'S ARREST IS COMPLETELY SEPARATE FROM THE ORIGINAL EDITING FROM WALMART. BECAUSE THE ORIGINAL WALMART FOOTAGE APPEARS TO BE EDITED IN AN ARBITRARY MANNER, IT IS IMPOSIBLE FOR THE DEFENDANT (WITH HIS LIMITED TECHNICAL SKILLS) TO ASCERTAIN EXACTLY WHAT WAS EDITED AFTER IT WAS IN THE STATE'S CUSTODY.

THE STATE SHOULD BE REQUIRED TO ALLOW THE DEFENDANT FULL AND COMPLETE ACCESS TO THE ORIGINAL UNEDITED SINGLE DISK AS DETECTIVE REED RECEIVED IT FROM MS. YOUNG IN ACCORDANCE WITH THE NRS SECTION 174 ET. SEQ., LOCAL COURT

RULES REGARDING DISCOVERY AND BRADY V. MARYLAND, 373 US 83 (1963).

IN THE ALTERNATIVE, THE DEFENSE WOULD REQUEST LIMITING THE USE OF THE OR ANY EDITED SURVEILLANCE VIDEO FOR IMPEACHMENT PURPOSES ONLY. BECAUSE EVEN THE EDITED VIDEO IS EXCULPATORY IN NATURE, THE DEFENDANT SHOULD NOT BE PUNISHED FOR THE STATE'S WRONGS.

THE US SUPREME COURT HAS LONG HELD THAT EVEN EVIDENCE THAT HAS BEEN EXCLUDED FOR BEING OBTAINED ILLEGALLY, CAN BE USED FOR THE IMPEACHMENT OF BOTH THE DEFENDANT AND WITNESSES. [SEE: WALDER V. U.S., 347 US 62, (1954); HARRIS V. N.Y., 401 US 222, (1971)] IF ILLEGALLY OBTAINED EVIDENCE CAN BE USED TO IMPEACH A DEFENDANT, IT IS REASONABLE TO ASSUME EXCLUDED EVIDENCE CAN BE USED TO IMPEACH A STATE WITNESS.

IN THE INSTANT CASE, IF THE STATE WERE ALLOWED TO USE THE EDITED VIDEO IN ITS CASE-IN-CHIEF, THE DEFENSE WOULD BE ENTITLED TO CALL THE PROSECUTOR AS A WITNESS TO ESTABLISH WHAT WAS EDITED AND IT WAS IN THE STATE'S CUSTODY.

THE DEFENDANT CONTINUES TO MAKE EVERY EFFORT TO OBTAIN THE FULL AND COMPLETE UNEDITED VIDEO FOR THE ENTIRE TIME I WAS IN THE STORE INCLUDING THE MOMENT I ENTERED THE WALMART. AS THAT VIDEO WILL EXONERATE ME FULLY. OBVIOUSLY IF THOSE VIDEOS BECOME AVAILABLE TO THE DEFENDANT, IT WOULD RENDER THIS MOTION MOOT.

ADDITIONALLY, THE DEFENDANT WOULD REQUEST A PRE-TRIAL PREVIEW OF ANY VIDEO THE STATE INTENDS TO INTRODUCE AT TRIAL TO MAKE SURE IT MATCHES WITH THE DEFENDANTS COPY.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THIS MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 18, 2014

X [signature]
MARC SCHACHTER,
IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2305
MARC SCHACHTER
#1409450
911 PARK BLVD.
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-22 08:25:59 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572920 : mcholico

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,
PLAINTIFF,
V
MARC PAUL SCHACHTER,
DEFENDANT.

CASE NO: CR-14-1044
DEPT NO: 4

MOTION TO DISMISS CASE FOR PREJUDICIAL DELAY CAUSING LOSS OF EXCULPATORY MATERIAL EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW AND MOVES THIS COURT TO DISMISS THE ABOVE CAPTIONED CASE ON THE GROUNDS THAT THE STATE, THE JUSTICE COURT, THE DISTRICT COURT AND WASHOE COUNTY SHERIFF CAUSED THE DEFENDANT TO LOSE EXCULPATORY MATERIAL VIDEO EVIDENCE.

THIS MOTION IS BASED ON THE FOLLOWING UNDISPUTED FACTS AND THE POINTS AND AUTHORITIES CONTAINED HEREIN.

FACTS

ON 6/23/14 (RTC/DEPT 1) JUDGE LYNCH DENIES PRO PER REQUEST APPOINTS PUBLIC DEFENDER. DEFENDANT INVOKES 15-DAY RULE AND REQUESTS DISCOVERY.

ON 6/26/14 PUBLIC DEFENDER RECEIVES PARTIAL DISCOVERY.

ON 6/30/14 (RTC/DEPT 1) AT MANDATORY STATUS CONF. DDA BOGALE ADMITS TO COURT HAD PUBLIC DEFENDER NOT BEEN APPOINTED DEFENDANT WOULD HAVE REC'VD REDACTED DISCOVERY 6/27/14.

ON 7/1/14 (RTC/DEPT. 1) P.D. JIM LESLIE GIVES PARTIAL REDACTED DISCOVERY TO DEFENDANT (NO DVD, STATEMENT, P/C ARREST DEC.) JUDGE LYNCH ACCEPTS PRO PER WAIVER.

ON 7/10/14, DEFENDANT REQUESTS EARLIEST POSSIBLE ARRAIGNMENT DATE - COURT ADVISES PRO PER DEFENDANT IT, "CANNOT TAKE ACTION ON UNSOLICITED CORRESPONDENCE AS YOU ARE REPRESENTED BY COUNSEL."

ON 7/17/14 (2JDC/DEPT 10) JUDGE SADLIER POSTPONES ARRAIGNMENT 7 DAYS. DEFENDANT ADVISES COURT OF TIME-SENSITIVE VIDEO ISSUES. COURT STATES, "ONE-WEEK WON'T HURT."

ON 7/24/14 (2JDC/DEPT 4), DEFENDANT SUBMITS EX PARTE MOTION FOR INVESTIGATOR WITH NOTICE OF TIME-SENSITIVE VIDEO EVIDENCE ISSUE.

JUDGE STEINHEIMER ORDERS STATE TO TURN OVER ALL DISCOVERY TO DEFENDANT.
ON 7/25/14, STATE DELIVERS DISCOVERY TO JAIL. SHERIFFS DEPT. WITHHOLDS VIDEO DISKS PENDING COURT ORDER OF PRO PER STATUS.
ON 7/31/14 (2ND DC/D4) JUDGE STEINHEIMER FILES PRO PER COURT ORDER. STAND-BY COUNSEL ADVISES COURT HE WILL CHECK ON STATUS OF INVESTIGATOR.
ON 8/7/14 (WCCJ) DEFENDANT FILES TWO (2) GRIEVANCES CONCERNING ACCESS TO VIDEO DISK DISCOVERY.
ON 8/11/14 (WCJ) GRIEVANCE ANSWERED, ACCESS TO DVD GRANTED. GRIEVANCE STATES, "WCSD WAS DELAYED IN RECEIVING THE COURT ORDER OF PRO PER STATUS."
ON 8/20/14 (WCJ), INVESTIGATOR LARRY CARLSON INFORMS DEFENDANT VIDEO FROM THREE (3) SEPARATE SOURCES IS UNAVAILABLE DUE TO LENGTH OF TIME SINCE INCIDENT.

<u>POINTS AND AUTHORITIES</u>

THE LOSS OF THIS VIDEO EVIDENCE IS CRITICAL TO THE DEFENSE BECAUSE HAD IT BEEN AVAILABLE, IT WOULD SHOW THE DEFENDANT WAS IN POSSESSION OF THE MERCHANDISE HE

IS ACCUSED OF STEALING FROM WALMART, IN AN UNINTERRUPTED CHAIN OF VIDEO TAPES FOR THE 20 MINUTES PRIOR TO ENTERING THE WALMART. THERE WAS VIDEO FROM MY HOTEL (LOST) AT FOURTH ST. AND LAKE ST. AT RTC BUS STATION (PENDING) ON #4 BUS (NO LONGER AVAILABLE), ENTERING WALMART (NOT AVAILABLE) AND ADDITIONAL VIDEO INSIDE WALMART (PENDING). ALL THE OTHER REMAINING EVIDENCE INCLUDING THE OTHER VIDEO EVIDENCE SUPPORTS MY INNOCENCE, EVEN MR. GAMMICK HIMSELF WOULD NOT BE SO BOLD AS TO ACCUSE A PERSON OF STEALING WHILE THERE WAS SEPARATE, INDEPENDANT VIDEO EVIDENCE SHOWING THE DEFENDANT WITH THE VERY ITEM HE IS ACCUSED OF STEALING FOR THE ENTIRE 20 MINUTES PRIOR TO THE ALLEGED THEFT. IT MAKES NO DIFFERENCE WHEATHER THE DEFENSE ARGUES THE RIGHT TO USE THE SUBPOENA POWER ESTABLISHED IN PENN. V. RITCHIE, 480 US 39, 107 S.Ct. 989, 94 L.ed.2d. 40 (1987) WAS VIOLATED BY STATE AND COURT ACTION AS WAS THE CASE IN WEBB V. TEXAS, 409 US 95, 93 S.Ct. 351, 34 L.ed.2d 330 (1972) AND U.S. V. VALENZUELA-BERNAL, 458 US 858, 102 S.Ct. 3440, 73 L.ed.2d. 1193 (1982) IN WHICH THE HIGH COURT STATED, "DEFENDANT MUST BE GIVEN THE OPPORTUNITY

TO ESTABLISH A DUE PROCESS VIOLATION BY SHOWING THAT THE EVIDENCE LOST WOULD BE BOTH MATERIAL AND FAVORABLE."

OR; THE DEFENSE ARGUES THAT THE COURTS' INABILITY TO COME TO TERMS ON THE DEFENDANTS RIGHT TO SELF-REPRESENTATION IN A TIMELY MANNER RESULTED IN A "STATE INTERFERENCE" THAT DENIED THE OPPORTUNITY TO PARTICIPATE FULLY AND FAIRLY IN THE FACT-FINDING PROCESS [SEE HERRING V. N.Y., 422 US 853, 95 S.Ct. 2550, 45 L.Ed.2d. 593 (1975)] AND THEREBY DEPRIVED THE PRO PER DEFENDANT "ACTUAL CONTROL OVER THE CASE HE CHOSE TO PRESENT TO THE JURY." [SEE McKASKLE V. WIGGINS, 465 US 168, 104 S.Ct. 944, 79 L.Ed.2d. 122 (1984)]

IN EITHER CASE, THE VERY PEOPLE ENTRUSTED WITH RESPONSIBILITY TO INSURE THE DEFENDANT'S CONSTITUTIONALLY PROTECTED RIGHT TO A FAIR AND JUST PROCEEDING HAVE FAILED. THE STATE HAS FAILED TO KEEP THE ITEMS THE DEFENDANT IS ACCUSED OF STEALING, HAVE EDITED THE VIDEO THAT IS AVAILABLE AND IS RESPONSIBLE FOR THE DELAY THAT PREVENTS THE

DEFENDANT FROM EXONERATION. AS THE FACTS CLEARLY DEMONSTRATE VIRTUALLY EVERY WEEK THE STATE AND/OR THE COURT ITSELF HAS PREVENTED THE DEFENDANT THE ABILITY TO COLLECT THE EVIDENCE NEEDED FOR HIS DEFENSE. NIETHER THE STATE NOR THE COURT SHOULD BE ALLOW TO USE THE DEFENDANTS RIGHT TO SELF-REPRESENTATION AND SPEEDY-TRIAL AS AN EXCUSE TO VIOLATE HIS OTHER CONSTITUTIONAL RIGHTS. DEFENDANT HEREBY PRAYS THIS COURT TO DISMISS THIS CASE FORTHWITH.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THIS MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE August 20, 2014

x Marc Schachter

MARC SCHACHTER,

PRO PER.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 1130
MARC SCHAC TER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PRO PER

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,
PLAINTIFF

V.

CASE NO: CR-14-1044

MARC PAUL SCHACHTER,

DEPT. 4

DEFENDANT.

ANSWER TO MOTION IN LIMINE RE: PRIOR BAD ACTS OF THE STATES WITNESSES

PURSUANT TO THIS COURT'S AUGUST 5, 2014 PRETRIAL ORDER, THE STATE HAS FILED A MOTION IN LIMINE RE: PRIOR BAD ACTS, IF ANY, OF THE STATE'S WITNESSES. THE FOLLOWING IS THE DEFENDANT'S ANSWER.

BECAUSE THE MOTION IS COMPLETELY CONTRARY TO ALL LEGAL AUTHORITY AND THEORY INCLUDING BUT NOT LIMITED TO THE CONSTITUTION OF THE UNITED STATES SIXTH AMENDMENT CONFRONTATION CLAUSE, THE DEFENDANT RESPECTFULLY REQUESTS THE COURT DENY THE STATES MOTION.

AFFIRMATION PER NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THIS DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE AUGUST 23, 2014

X

MARC SOMACHTER, PRO PER

## CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 26th day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

MARC SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PROPER

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,
PLAINTIFF,
✓
MARC PAUL SCHACHTER,
DEFENDANT,

CASE NO: CR-14-1044
DEPT.: 4

ANSWER TO STATE'S MOTION IN LIMINE RE DEFENDANT'S EXAMINATION OF WITNESSES

PURSUANT TO A PRETRIAL ORDER DATED AUGUST 5, 2014, THE STATE FILED MOTION IN LIMINE AS, "A PREEMPTIVE MEASURE TO ENSURE THAT.... HIS QUESTIONS ARE LEGALLY APPROPIATE." UNLIKE MR. BOGALE, THE DEFENDANT ACKNOWLEDGES THAT THIS COURT DOES NOT NEED ANY UNSOLICITED ADVICE IN HOW TO CONDUCT A TRIAL.

THE DEFENDANT WOULD, HOWEVER, POINT OUT TO THE STATE THAT IT IS THE RESPONSIBILITY OF THE PARTIES TO MAKE TIMELY OBJECTIONS OR ASK THE COURT FOR RULINGS ON A PARTICULAR ISSUE. NRS 50.115 NOTWITHSTANDING, THE TRIAL COURT

DOES NOT MAKE RULINGS OR DECISIONS ON UNSOLICITED OR UNASKED MATTERS.

ADDITIONALLY, THE STATE DOES NOT EXPLAIN HOW, OR BY WHAT MEANS, IT WOULD HAVE THE COURT ENSURE ITS REQUEST.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THIS DOCUMENT DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 23, 2014

MARC SCHACHTER, PRO PER

CODE 1430
MARC SCHACHER
#1409450
911 PARR BLVD
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-26 08:07:02 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4576971 : shambrig

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,
PLAINTIFF,
v.
MARC PAUL SCHACHER,
DEFENDANT.

CASE NO: CR-14-1044
DEPT.: 4

ANSWER TO STATE'S MOTION IN LIMINE RE DEFENDANT'S EXAMINATION OF WITNESSES

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THE DEFENDANT WOULD, HOWEVER, POINT OUT TO THE STATE THAT IT IS THE RESPONSIBILITY OF THE PARTIES TO MAKE TIMELY OBJECTIONS OR ASK THE COURT FOR RULINGS ON A PARTICULAR ISSUE. NRS 50.115 NOTWITHSTANDING, THE TRIAL COURT

DOES NOT MAKE RULINGS OR DECISIONS ON UNSOLICITED OR UNASKED MATTERS.

ADDITIONALLY, THE STATE DOES NOT EXPLAIN HOW, OR BY WHAT MEANS, IT WOULD HAVE THE COURT ENSURE ITS REQUEST.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THIS DOCUMENT DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: AUGUST 23, 2014

MARC SCHACHTER, PRO PER

## CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 26th day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

FILED
Electronically
2014-08-22 03:33:38 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4574403 : azion

CODE
Richard A. Gammick
#001510
P.O. Box 11130
Reno, NV 89520
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

_____/

NOTICE OF STATE'S INTENT TO IMPEACH DEFENDANT'S CREDIBILITY WITH HIS PRIOR FELONY CONVICTIONS IF HE DECIDES TO TESTIFY

The State of Nevada, by and through RICHARD A. GAMMICK, Washoe County District Attorney and ZELALEM BOGALE, Deputy District Attorney, hereby files a notice of intent to impeach Defendant Marc Paul Schachter's credibility with his prior felonies convictions if he decides to testify.

The State has obtained certified copies of several of Defendant's prior felony convictions. This document shall serve as notice to Defendant that, should he decide to testify in his own defense, the State will impeach his credibility as a witness with his prior felony convictions in accordance with NRS 50.095.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 22nd day of August, 2014.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
Deputy District Attorney

CERTIFICATE OF SERVICE BY E-FILING

I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

WASHOE COUNTY PUBLIC DEFENDER

DATED this 22ND day of AUGUST, 2014.

/s/KIM PACE
KIM PACE

FILED
Electronically
2014-08-22 03:33:38 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4574403 : azion

CODE
Richard A. Gammick
#001510
P.O. Box 11130
Reno, NV 89520
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

_____/

MOTION IN LIMINE REGARDING DEFENDANT'S EXAMINATION OF WITNESSES

The State of Nevada, by and through RICHARD A. GAMMICK, Washoe County District Attorney and ZELALEM BOGALE, Deputy District Attorney, hereby files a motion in limine regarding the form of Defendant Marc Paul Schachter's questions.

INTRODUCTION

A jury trial in this case is presently scheduled for September 22, 2014 on an Amended Information charging Defendant with Attempted Robbery, Burglary, and Behavior as a Habitual Criminal. Pursuant to the court's July 31, 2014 Order of Self-Representation and Appointment of Stand-By Counsel after a *Faretta* hearing,[1] Defendant is

[1] *Faretta v. California*, 422 U.S. 806 (1975) (recognizing a defendant's Sixth Amendment right to conduct his own defense).

his own attorney. The Washoe County Public Defender's Office has been appointed as stand-by counsel.

The State files this motion as a preemptive measure to ensure that, given Defendant's pro per status, his questions and form of questioning are legally appropriate.

ARGUMENT

Under *Faretta* and its progeny, a pro per defendant "is entitled to preserve actual control over the case he chooses to present to the jury." *McKaskle v. Wiggins*, 465 U.S. 168, 178 (1984). Part of a pro per defendant's right to preserve actual control over his case is his right to "control the questioning of witnesses." *See id.* Based on Defendant's pro per status and these legal precedents, the State presumes Defendant will be the person asking questions on behalf of the defense, notwithstanding appointment of stand-by counsel.

Under NRS 50.115(1), "[t]he judge shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence: (a) To make the interrogation and presentation effective for the ascertainment of the truth; (b) To avoid needless consumption of time; and (c) To protect witnesses from undue harassment or embarrassment." The remaining three subsections of this statutory provision refer to the scope of cross-examination, the appropriate use of leading questions, and adverse parties. *See generally* NRS 50.115.

The State files this motion to ensure Defendant's compliance with the provisions of NRS 50.115, and to prevent Defendant from testifying (or expressing disagreement—verbally or otherwise—with

testimony) while asking questions, either on direct examination or cross examination. Nevada law allows for questions from counsel and testimony from witnesses. Just as it is inappropriate for witnesses to ask questions of counsel while testifying, it is similarly inappropriate for counsel to testify while asking questions of witnesses.

## CONCLUSION

Therefore, the State requests that this motion be granted to limit Defendant to asking questions while examining witnesses.

## AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 22nd day of AUGUST, 2014.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
Deputy District Attorney

CERTIFICATE OF SERVICE BY E-FILING

I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

WASHOE COUNTY PUBLIC DEFENDER

DATED this 22ND day of AUGUST, 2014.

/s/ KIM PACE
KIM PACE

FILED
Electronically
2014-08-22 03:38:59 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4574431 : azion

CODE
Richard A. Gammick
#001510
P.O. Box 11130
Reno, NV 89520
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

_____/

MOTION IN LIMINE REGARDING PRIOR BAD ACTS, IF ANY, OF THE STATE'S WITNESSES

The State of Nevada, by and through RICHARD A. GAMMICK, Washoe County District Attorney and ZELALEM BOGALE, Deputy District Attorney, hereby files a motion in limine regarding prior bad acts, if any, of the State's witnesses.

INTRODUCTION

A jury trial in this case is presently scheduled for September 22, 2014 on an Amended Information charging Defendant with Attempted Robbery, Burglary, and Behavior as a Habitual Criminal. Pursuant to the court's July 31, 2014 Order of Self-Representation and

Appointment of Stand-By Counsel after a *Faretta* hearing,[1] Defendant is his own attorney. The Washoe County Public Defender's Office has been appointed as stand-by counsel.

The State intends to call several witnesses to prove all of the elements of each of the charges mentioned above. The State files this motion to preclude any unlawful reference from Defendant to any prior bad act(s), if any, of any of the State's witnesses.

ARGUMENT

"Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." NRS 48.045.

The State knows of no prior bad acts that have been committed by any of the witnesses it intends to call. However, Defendant is not a lawyer. He has not been legally trained to follow the rules of evidence, to elicit testimony properly, or appropriately present or attack the character of a witness. Thus, should any such information emerge, the State asks the court to preclude Defendant from referencing any prior bad act of a witness for an improper purpose, such as to prove the witness acted in conformity with the character expressed by that act.

///

///

[1] *Faretta v. California*, 422 U.S. 806 (1975) (recognizing a defendant's Sixth Amendment right to conduct his own defense).

## CONCLUSION

Therefore, the State requests that this motion be granted to preclude Defendant from improperly impugning the character of any of the State's witnesses for an improper purpose.

## AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 22nd day of August, 2014.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
Deputy District Attorney

CERTIFICATE OF SERVICE BY E-FILING

I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

WASHOE COUNTY PUBLIC DEFENDER

DATED this 22ND day of AUGUST, 2014.

/s/ KIM PACE
KIM PACE

No. CR14-1044
Dept. No. 4

**SUBPOENA**

IN THE SECOND DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Plaintiff,
vs.
MARC PAUL SCHACTER, Defendant.
_____/

TO: OFFICER NICHOLAS REED #R9473
RENO POLICE DEPARTMENT
RENO, NV

FROM: WASHOE COUNTY PUBLIC DEFENDER

PURSUANT TO NRS 174.315 WE COMMAND YOU TO APPEAR BEFORE:

Department 4
Washoe County District Court
75 Court Street, Reno, Nevada

**On, September 22, 2014, at 10:00 a.m.,** to testify for the above-named Defendant.

ANY PERSON FAILING TO APPEAR MAY BE HELD IN CONTEMPT OF COURT

ACCORDING TO NRS 22.100. THE PENALTY FOR CONTEMPT OF COURT IS A

FINE UP TO $500 AND/OR 25 DAYS IMPRISONMENT.

Dated: August 21, 2014
JEREMY T. BOSLER
Washoe County Public Defender

If you have any questions regarding your appearance, please contact: LARRY CARLSON, at 337-4834

By: JAMES LESLIE
Deputy Public Defender
(775) 337-4828

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE ) DOREEN AVILA

***

I hereby certify that I served this Subpoena on _____, at the location of ___ 455 E. 2ND ST RENO, Nevada, by delivering a copy of this Subpoena to said witness personally.

_____ 8/20/14
Signature of Person Delivering Subpoena Date

No. CR14-1044
Dept. No. 4

**SUBPOENA**

IN THE SECOND DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Plaintiff,
vs.
MARC PAUL SCHACTER, Defendant.
_____/

TO: OFFICER A. DANIELS
RENO POLICE DEPARTMENT
RENO, NV

FROM: WASHOE COUNTY PUBLIC DEFENDER

PURSUANT TO NRS 174.315 WE COMMAND YOU TO APPEAR BEFORE:

Department 4
Washoe County District Court
75 Court Street, Reno, Nevada

**On, September 22, 2014, at 10:00 a.m.,** to testify for the above-named Defendant.

ANY PERSON FAILING TO APPEAR MAY BE HELD IN CONTEMPT OF COURT

ACCORDING TO NRS 22.100. THE PENALTY FOR CONTEMPT OF COURT IS A

FINE UP TO $500 AND/OR 25 DAYS IMPRISONMENT.

Dated: August 21, 2014
JEREMY T. BOSLER
Washoe County Public Defender

If you have any questions regarding your appearance, please contact: LARRY CARLSON, at 337-4834

By: JAMES LESLIE
Deputy Public Defender
(775) 337-4828

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

I hereby certify that I served this Subpoena on *** DORGEN AVILA, at the location of 455 E. 2ND ST RENO, Nevada, by delivering a copy of this Subpoena to said witness personally.

Signature of Person Delivering Subpoena

8/20/14
Date

No. CR14-1044
Dept. No. 4

**SUBPOENA**

IN THE SECOND DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Plaintiff,
vs.
MARC PAUL SCHACTER, Defendant.
_____/

TO: OFFICER TERRY WEST #R10177
RENO POLICE DEPARTMENT
RENO, NV

FROM: WASHOE COUNTY PUBLIC DEFENDER

PURSUANT TO NRS 174.315 WE COMMAND YOU TO APPEAR BEFORE:

Department 4
Washoe County District Court
75 Court Street, Reno, Nevada

**On, September 22, 2014, at 10:00 a.m.,** to testify for the above-named Defendant.

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STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

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Signature of Person Delivering Subpoena

8/20/14
Date

No. CR14-1044
Dept. No. 4

**SUBPOENA DUCES TECUM**
IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Plaintiff,
vs.
MARC PAUL SCHACHTER, Defendant.
_____/

TO: Custodian of Records
Wal-Mart 5260 West 2nd St, Reno NV

FROM: WASHOE COUNTY PUBLIC DEFENDER
PURSUANT TO NRS 174.315 WE COMMAND YOU TO APPEAR BEFORE:

Department 4
Washoe County District Court
75 Court Street, Reno Nevada

**On September 11, 2014, at 9:00 am,** to testify for the above-named Defendant.

ANY PERSON FAILING TO APPEAR MAY BE HELD IN CONTEMPT OF COURT ACCORDING TO NRS 22.100. THE PENALTY FOR CONTEMPT OF COURT IS A FINE UP TO $500 AND/OR 25 DAYS IMPRISONMENT.

Dated: August 21, 2014
JEREMY T. BOSLER
Washoe County Public Defender

By: JIM LESLIE
Deputy Public Defender
(775) 337-4828

If you have any questions regarding your appearance, please contact: Larry Carlson, at (775) 337-4834

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

***

I hereby certify that I served this Subpoena on _____, at the location of ___ _____, Nevada, by delivering a copy of this Subpoena to said witness personally.

_____ _____
Signature of Person Delivering Subpoena Date

SUBPOENA DUCES TECUM;ITEMS TO BE PRODUCED: 1. Copies of all video of the general merchandise entrance to the store on 06/09/2014 from 10:50 am until 12:30 pm.
2. All video of the garden center of the store on 06/09/2014 from 11:45 am until 12:00 pm.
3. Complete description of Wal-mart item UPC#002096858979.

4. Maps or diagrams showing layout of the north half of the store.
5. Copies of all personnel, disciplinary, and performance records for loss prevention employees Alejandro Monroy and Anna Young.
*You do not have to appear if you provide these materials to a representative of the Washoe County Public Defenders Office on or before September 08, 2014.

No. CR14-1044
Dept. No. 4

**SUBPOENA DUCES TECUM**
IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Plaintiff,
vs.
MARC PAUL SCHACHTER, Defendant.
_____/

TO: Custodian of Records Wal-mart 5260 West 7th Street, Reno NV

FROM: WASHOE COUNTY PUBLIC DEFENDER
PURSUANT TO NRS 174.315 WE COMMAND YOU TO APPEAR BEFORE:

Department 4
Washoe County District Court
75 Court Street, Reno, Nevada

SERVED VIA E-MAIL TO ALEJANDRO MONROY

**On September 11, 2014, at 9:00 a**[illegible]med Defendant.

ANY PERSON FAILING TO APPEAR MAY BE HELD IN CONTEMPT OF COURT ACCORDING TO NRS 22.100. THE PENALTY FOR CONTEMPT OF COURT IS A FINE UP TO $500 AND/OR 25 DAYS IMPRISONMENT.

Dated: August 21, 2014
JEREMY T. BOSLER
Washoe County Public Defender

By: JIM LESLIE
Deputy Public Defender
(775) 337-4828

If you have any questions regarding your appearance, please contact: Larry Carlson, at (775) 337-4834

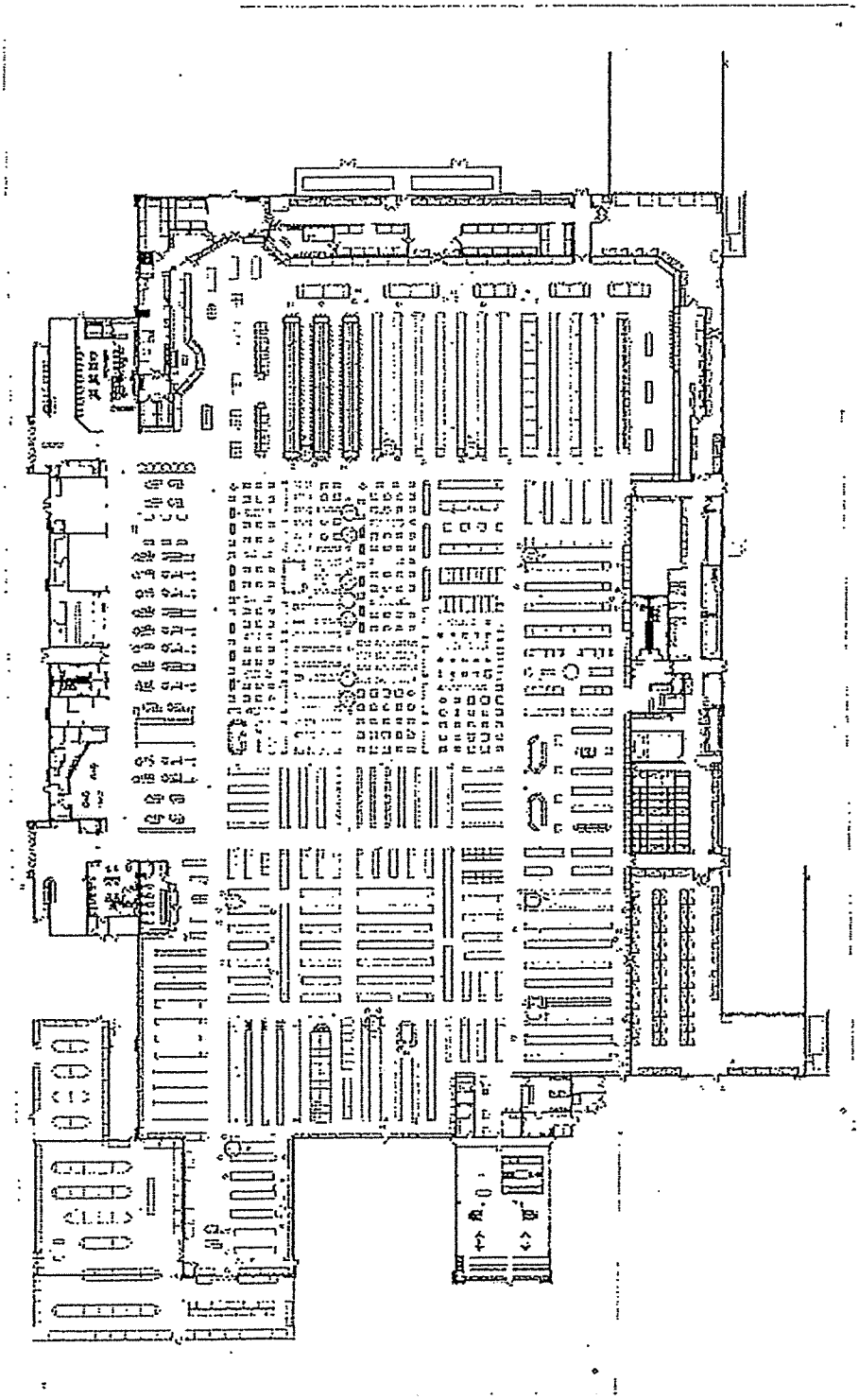
STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

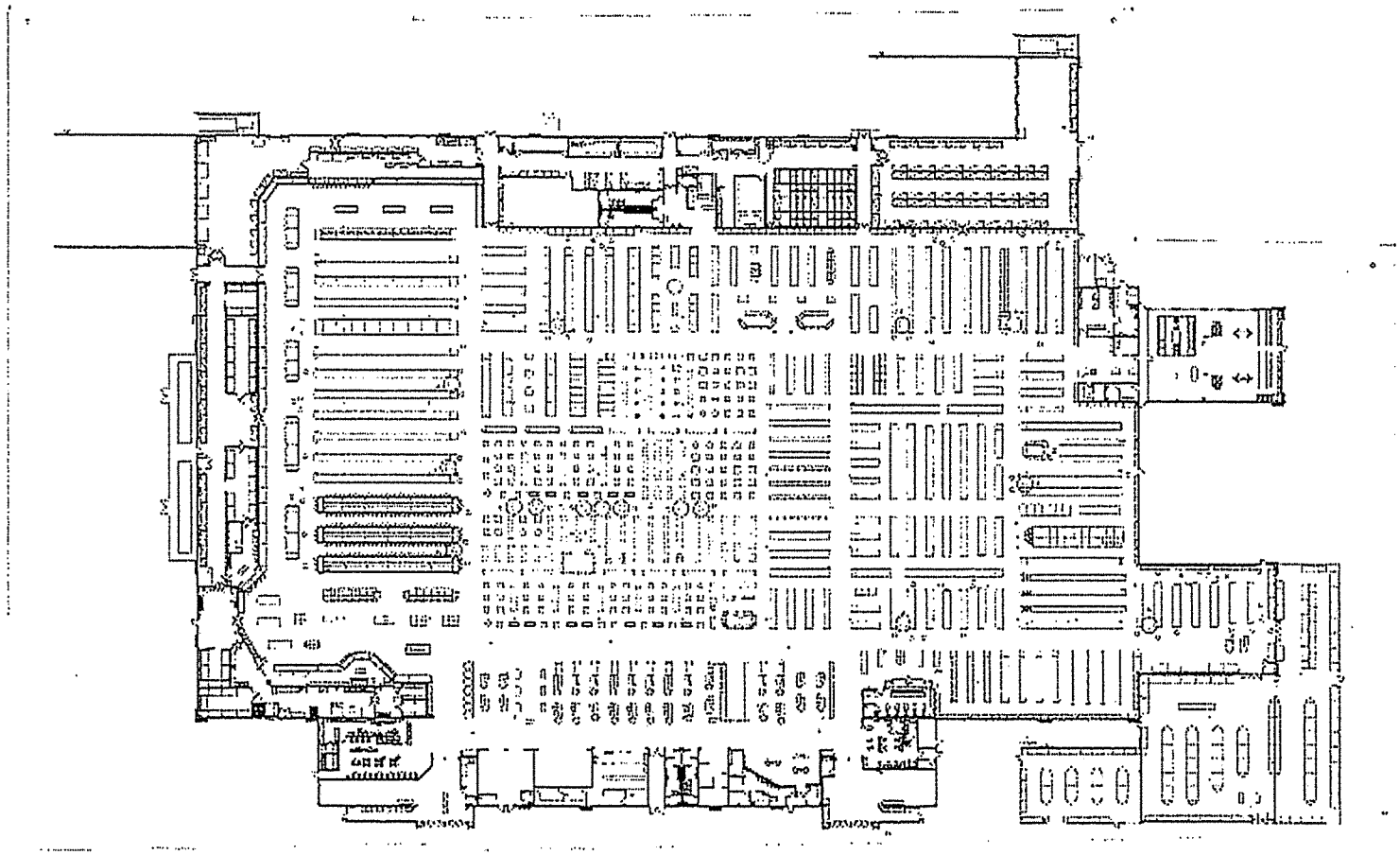
***

I hereby certify that I served this Subpoena on _____, at the location of ___ _____, Nevada, by delivering a copy of this Subpoena to said witness personally.

_____ _____
Signature of Person Delivering Subpoena Date

SUBPOENA DUCES TECUM;ITEMS TO BE PRODUCED: 1. Video of the customer service counter register on 06/09/2014 at 12:10 pm where training receipt # op 00009052 Te#08 Tr#01134 was produced.
2.video of north parking lot on 06/09/2014 from 10:50 am until 12:30 pm.
*You do not have to appear if you provide these materials to a representative of the Washoe County Public Defenders Office on or before September 08, 2014.





Post new comment

**Please Note:** By posting a new comment does not save your map and its changes.

**Comment:** *

...Protection Associate

...erformance Evaluation

...sset Protection Associate

Walmart

| ...ate Information | | | | | |
|---|---|---|---|---|---|
| ...ssociate Name | Anna Young | Store # | 3254 | | |
| ...IN # | 210581148 | Review period | | | |
| ...upervisor | Micheal Gene Porter | From: | 07-09-2013 | To: | 07-09-2014 |

...ompany Beliefs and Values *(Daily application and understanding of Walmart's 3 Basic Beliefs are reflected throughout the evaluation.)*

| | |
|---|---|
| ...espect for the Individual | Servant Leadership, Open Door, Accountability, Open Communications, People Development, Trust, Humility, Caring, Team Work, Empowerment, Confidentiality, Listening, Diversity |
| ...ervice to Our Customer | Friendly Atmosphere, Pleasant Shopping Experience, EDLP, Aggressive Hospitality, Sundown Rule, Satisfaction Guaranteed, Sense of Urgency, 10-ft. Rule, Community Minded, Quality Always! |
| ...ive for Excellence | Continuous Improvement, Dissatisfaction with the Status Quo, Results Oriented, Integrity Always!, Competitive Spirit, Sustainability, Failure Allowance, Risk-Taking Encouraged, Expense Control, Change Agents, Compliance with Laws |

...ting Scale

...le Model - Consistently demonstrates performance that sets the standard of excellence and exceeds the job requirements.
...ceeds Expectations - Demonstrates performance that exceeds some of the requirements of the job, but does not fully meet the standard of ...cellence.
...lid Performer - Consistently demonstrates performance that meets the job requirements.
...velopment Needed - Demonstrates performance that requires improvement or does not fully meet the requirements of the job.
...low Expectations - Demonstrates performance that clearly does not meet the job requirements.

...mpetencies

...e sure to access the WIRE for this position's most current Competency Reference Document. The below competency definitions are the "Solid Performer" evaluation standard. The Competency Reference Document provides additional details on all five performance levels.

Enter Last Revised date from bottom left of the Competency Reference Document: 01/13/2009

| | |
|---|---|
| ...otection<br>...lows safety and security guidelines and related laws and regulations when dealing with suspected theft and ...er suspicious or criminal acts. Advises Associates on asset protection policies, practices, and guidelines when ...ed to do so. Identifies signs of shrink and suspicious or criminal acts, keeps goods secure, and properly ...uments incidents in a timely manner. Reports shrink issues and problems with products, services, and work ...as that could prevent successful asset protection. Uses asset protection equipment in correct ways. | RATING: Development Needed |
| ...lgment: Make Effective Choices<br>...es policies, procedures, and/or guides to make good choices. Uses data and facts in order to make day-to-day ...isions and involves others as needed. Recognizes what might be a problem and informs those who can correct | RATING: Development Needed |
| ...stomer Centered: Serve the Customer<br>...ws care and concern when serving our Associates and Customers. Asks questions in order to understand and ...et Associate and Customer needs. Uses policies and information in order to exceed Associate and Customer ...ectations. Finds and uses the right resources (people, products, tools) at the right time in order to resolve ...ociate and Customer requests. | RATING: Solid Performer |
| ...ence and Communicate: Share Information<br>...ens to others and asks questions to learn about what is needed. Communicates the right information to ...ociates and leaders when they need it. Communicates in a respectful and professional manner. | RATING: Solid Performer |
| ...ptability: Adapt<br>...pts to changing work demands. Stays focused on own work when faced with change or difficulties. Stays open ...nd learns from assignments and feedback. | RATING: Exceeds Expectations |

...ments

Anna is willing to go out of her way to assist the Asset Protection department in any way asked.
Anna has helped share her knowledge of the job with her fellow associates and her new manager.
Anna is very meticulous in her case notes and date/time video capturing.

...ghts

Anna is flexible with her schedule, and willing to come in to train new associates when asked.
Anna is very detail oriented.
Anna has many good idea's as to how we can improve the store and department, and is willing to share them.

**reas of Opportunity**

Anna has area of opportunity with her attendance. She has many unexcused absences.

**ve all Performance Rating**

| Below Expectations | Development Needed | Solid Performer | Exceeds Expectations | Role Model |
|---|---|---|---|---|

**evelopment**

Anna should revisit the AP-09 policy, she has had a few instances where the answer she has given to anagers, and Associates has been incorrect.
Anna has an opportunity to improve her attendance, in a small department we are more dependent on every ssociate showing up to work.

**Sociate comments**

Check type of evaluation: ☐ 90 Day ☑ Annual ☐ Follow Up

Current Pay Rate: Increase Amount: New Pay Rate:

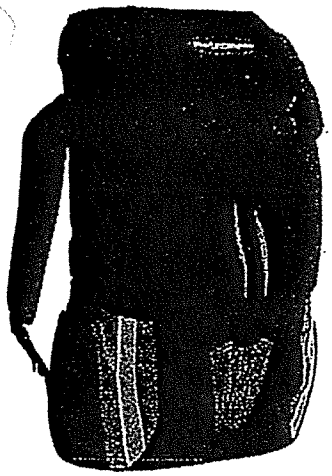
**natures**

| | | |
|---|---|---|
| sociate Signature | Anna Young<br>Print Associate Name | 7-8-14<br>Date |
| urly Supervisor Signature | Micheal Gene Porter<br>Print Hourly Supervisor Name | 7-8-14<br>Date |
| t Level Supervisor Signature | Stanley Omaye<br>Print Next Level Supervisor Name | 7-8-14<br>Date |
| er/Co Manager Signature | Scott [illegible]<br>Print Store/Co Manager Name | 7-8-14<br>Date |

```
UPC#:      2096858979
Item:       550918948
 MOTO ALL WEATHER PK
 OUTDOOR RECREATION
 1.01N        008
34.97     48.81% D10
 [Keep It Stocked]
 Stat AD  /ACTIVE
 Optn   REPLN/
 On Hand          2
 In Transit       0
 In Whs           0
 On Ord           0
 Shelf Cap        2

F4=Order F7=Picks/Cnt
```

Walmart
Save money. Live better.



# Fieldline Motorcycle All-Weather Backpack, Black

| Buy from Walmart | Shipping & Pickup |
|---|---|
| Online<br>$34.97<br>Quantity 1 Add to Cart<br>Add to my: Wish List \| Registry | In stock for:<br>• Free shipping available on orders over $50<br>When will it arrive?<br>• Free store pickup<br>– as soon as 9/17 with site to store Check More Stores |
| Also in stores | IN LIMITED STORES<br>Out of stock in your local Reno store. |

Product availability, styles, promotions and prices may vary between stores and online.

## Item Description

The Fieldline Motorcycle All-Weather Backpack is made from Weather Defense water-resistant fabric. It easily slides onto a standard motorcycle backrest.

**Fieldline Motorcycle All-Weather Backpack, Black:**

- Made from Weather Defense water-resistant fabric
- Easily slides onto standard motorcycle backrest
- Internal and external straps tighten to secure bag
- 2 side compression straps
- Accessory organizer on interior of top flap
- 2 mesh side pockets
- Roll top closure
- All-purpose front carry handle

## Specifications

Top of Page

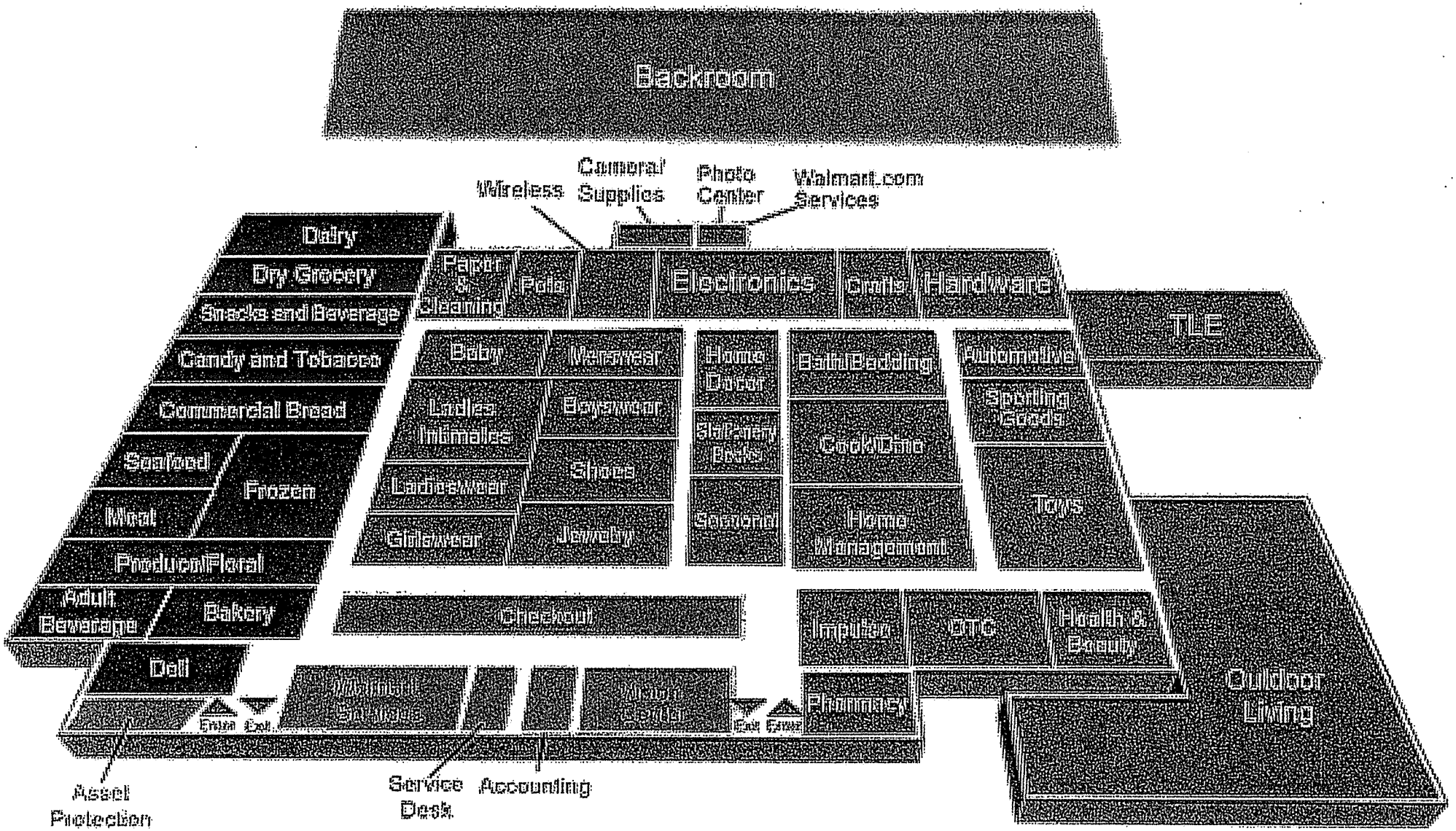
| | |
|---|---|
| Model No.: | NB002FL-008 |
| Shipping Weight (in pounds): | 2.81 |
| Product in Inches (L x W x H): | 22.0 x 15.25 x 2.85 |
| Assembled in Country of Origin: | Imported |
| Origin of Components: | Imported |
| Walmart No.: | 550918948 |

## Pricing Policy

**About Our Prices**

We strive to provide you with the lowest prices possible on Walmart.com as well as in our stores. However, sometimes a price online does not match the price in a store. Walmart.com's prices may be either higher or lower than local store prices. Prices may also vary between stores. Our local stores do not honor Walmart.com pricing or competitor advertisements from outside of a store's local trade territory.

Partner Advertisement


Backroom
Wireless
Camera/ Supplies
Photo Center
Walmart.com Services
Dairy
Dry Grocery
Snacks and Beverage
Candy and Tobacco
Commercial Bread
Seafood
Meat
Frozen
Produce/Floral
Adult Beverage
Bakery
Deli
Paper & Cleaning
Pets
Electronics
Crafts
Hardware
TLE
Baby
Women's
Home Decor
Bath/Bedding
Automotive
Ladies Intimates
Boys/Men
Stationery Books
Cook/Dine
Sporting Goods
Ladies'wear
Shoes
Seasonal
Home Management
Toys
Girls'wear
Jewelry
Checkout
Impulse
OTC
Health & Beauty
Outdoor Living
Pharmacy
Exit Entr
Exit Entr
Asset Protection
Service Desk
Accounting

No. CR14-1044
Dept. No. 4

**SUBPOENA DUCES TECUM**
IN THE
SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Plaintiff,
vs.
MARC PAUL SCHACHTER, Defendant.
_____/

TO: Custodian of Records Regional Transportation Commission of Washoe County

FROM: WASHOE COUNTY PUBLIC DEFENDER
PURSUANT TO NRS 174.315 WE COMMAND YOU TO APPEAR BEFORE:

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Washoe County District Court
75 Court Street, Reno, Nevada

**On September 11, 2014, at 9:00 am,** to testify for the above-named Defendant.

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Dated: August 29, 2014
JEREMY T. BOSLER
Washoe County Public Defender

By: JIM LESLIE
Deputy Public Defender
(775) 337-4828

If you have any questions regarding your appearance, please contact: Larry Carlson, at (775) 337-4834

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

***

I hereby certify that I served this Subpoena on _____, at the location of ___ _____, Nevada, by delivering a copy of this Subpoena to said witness personally.

_____ _____
Signature of Person Delivering Subpoena Date

SUBPOENA DUCES TECUM;ITEMS TO BE PRODUCED: copy of any/all video of the south side of the north island at the bus station at 4th and Lake Street in Reno on 06/09/2014 from 10:40 am until 11:00 am.
*You do not have to appear if you provide these materials to a representative of the Washoe County Public Defenders Office on or before September 09, 2014.

No. CR14-1044
Dept. No. 4

**SUBPOENA DUCES TECUM**
IN THE
SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Plaintiff,
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Deputy Public Defender
(775) 337-4828

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

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said witness personally.

_____ _____
Signature of Person Delivering Subpoena Date

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## CERTIFICATE OF SERVICE

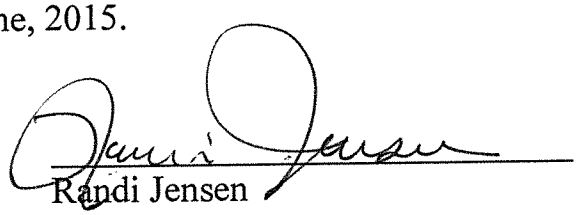
I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **JOINT APPENDIX – VOLUME I** to the following:

MARC PAUL SCHACHTER #91445
C/O NNCC
P.O. BOX 7000
CARSON CITY, NEVADA 89701
Via U.S. Mail

ADAM LAXALT
ATTORNEY GENERAL STATE OF NEVADA
100 N. CARSON STREET
CARSON CITY, NEVADA 89701
Via Electronic Filing

CHRIS HICKS
WASHOE COUNTY DISTRICT ATTORNEY
Attn: Appellate Department
Via Electronic Filing

DATED this 29th day of June, 2015.



Randi Jensen

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed
Jun 29 2015 10:01 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

| | | |
|---|---|---|
| MARC PAUL SCHACHTER, | ) | |
| | ) | |
| Appellant, | ) | Case No. 67673 |
| | ) | |
| vs. | ) | |
| | ) | |
| THE STATE OF NEVADA, | ) | |
| | ) | |
| Respondent. | ) | |
| | ) | |

**Appeal from Judgment of Conviction**
**Second Judicial District Court of the State of Nevada**
**The Honorable Elliott Sattler**

**JOINT APPENDIX – VOLUME I**

---

JENNIFER J. LUNT
Washoe County Alternate Public Defender

JARROD T. HICKMAN
Deputy

POST OFFICE BOX 11130
RENO, NEVADA 89520

ATTORNEYS FOR APPELLANT

CHRIS HICKS
Washoe County District Attorney

TERRENCE MCCARTHY
Chief Deputy

POST OFFICE BOX 30083
RENO, NEVADA 89520

ATTORNEYS FOR RESPONDENT

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CR14-1044 DC-0990005764 1-032
STATE VS. MARC PAUL SCHACHT 15 Pages
District Court 07/03/2014 09:25 AM
Washoe County 3700
cuomabr

Code 3700

FILED
2014 JUL -3 AM 9:25
BY M Elwood
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

Marc Paul Shachter,

Defendant.

Case No. CR14-1044

Dept. No. 4

**PROCEEDINGS**

STATE OF NEVADA vs. Marc Paul Schachter - RCR2014-077569

July 03, 2014

Received of Justice of the Peace of Reno Township Documents to be filed:

1. CRIMINAL CASE SUMMARY
2. ARREST REPORT AND DECLARATION OF PROBABLE CAUSE
3. APPLICATION FOR APPOINTMENT OF PUBLIC DEFENDER
4. WASHOE COUNTY PRETRIAL SERVICES ASSESSMENT REPORT
5. DETERMINATION OF INDIGENCY REPORT
6. CRIMINAL COMPLAINT
7. APPLICATION FOR APPOINTENT OF PUBLIC DEFENDER
8. AMENDED CRIMINAL COMPLAINT

JOEY ORDUNA HASTINGS
Clerk of the Court

By _____
Deputy

**CERTIFICATE OF CLERK**

I hereby certify that the enclosed documents are certified as true and correct copies of the original documents on file with the Reno Justice Court.

Dated on this the 3rd day of July, 2014.

Steve Tuttle
Court Administrator

By: _____
Deputy Clerk

RENO CRIMINAL

# CASE SUMMARY

## CASE NO. RCR2014-077569

| | | |
|---|---|---|
| The State of Nevada<br>vs.<br>Marc Paul Schachter | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | Location: Reno Criminal<br>Judicial Officer: Lynch, Patricia<br>Filed on: 06/13/2014<br>Case Number History: RPC2014-010856<br>Agency Number: RP14-010834<br>District Attorney Number: 14-12219<br>Probable Cause Number: RPD1412193C |

### CASE INFORMATION

| Offense | | Deg | Date | | |
|---|---|---|---|---|---|
| 1. Att robbery<br>ACN: RP14-010834<br>Arrest: | RPD - Reno Police Department | B | 06/09/2014 | Case Type: | Felony |
| 2. Burglary, 1st<br>ACN: RP14-010834<br>Arrest: | RPD - Reno Police Department | B | 06/09/2014 | Case Status: | 07/01/2014 Bound Over |
| | | | | Case Flags: | In Custody |

**Statistical Closures**
07/01/2014 Preliminary Hearing - Bindover

### CASE ASSIGNMENT

| DATE | |
|---|---|
| | **Current Case Assignment** |
| | Case Number: RCR2014-077569 |
| | Court: Reno Criminal |
| | Date Assigned: 06/13/2014 |
| | Judicial Officer: Lynch, Patricia |

### PARTY INFORMATION

| | | *Lead Attorneys* |
|---|---|---|
| **Plaintiff** | **The State of Nevada** | **Bogale, Zelalem** |
| **Defendant** | **Schachter, Marc Paul**<br>*Also Known As* Schacter, Marc Paul | **Public Defender**<br>*Court Appointed*<br>775-337-4800(W) |

### EVENTS & ORDERS OF THE COURT

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|---|---|---|
| 06/10/2014 | Probable Cause Affidavit Reviewed by Judge | |
| 06/10/2014 | Court Found Probable Cause | |
| 06/10/2014 | Public Defender Denied | |
| 06/10/2014 | **Probable Cause Findings/Hearings (12:00 PM)** (Judicial Officer: Judge, Probable Cause) | |
| 06/12/2014 | **72 Hour (10:00 AM)** (Judicial Officer: Clifton, David)<br>*Parties Present: Defendant Schachter, Marc Paul* | |
| 06/13/2014 | Criminal Complaint Filed<br>*$20,000.00* | |
| 06/16/2014 | Bail Set (Judicial Officer: Hascheff, Pierre )<br>*Bail Set at $20,000.00. Defendant Remanded to the Custody of the Washoe County Sheriff.* | |

06/16/2014 **Arraignment** (10:00 AM) (Judicial Officer: Hascheff, Pierre)
*Parties Present: Defendant Schachter, Marc Paul*

06/23/2014 Hearing Result (Judicial Officer: Lynch, Patricia )
*Defendant appeared without counsel before the Honorable Patricia Lynch, the State was represented by Kristin Erickson, Esq. State moves to have Defendant to be re-interviewed for the appointment of the Public Defender. Defendant opposes. Defendant refuses to have the Public Defender appointed. Defendant is GRANTED the appointment of the Public Defender. Mandatory Status Conference is set for June 30, 2014 1:30 PM and the Preliminary Hearing is set for July 1, 2014 at 1:30 PM. Defendant requests that discovery is sent to him and Public Defender, State indicates that discovery shall be sent to the PD's office today*

06/23/2014 Public Defender Appointed

06/23/2014 **Motion Hearing** (1:30 PM) (Judicial Officer: Lynch, Patricia)

| | | |
|---|---|---|
| *Parties Present:* | *Plaintiff* | *The State of Nevada* |
| | *Defendant* | *Schachter, Marc Paul* |
| | *Deputy District Attorney* | *Erickson, Kristin L.* |

06/30/2014 Hearing Result: (Judicial Officer: Lynch, Patricia )
*Defendant present in custody with Defense Attorney Leslie and District Attorney Bogale. Defendant is requesting to represent himself, although his request was denied by the court on a prior occasion. Court DENIES request but will consider self-representation at the beginning of prelim tomorrow. Defendant remanded to Washoe County Jail. Prelim Hearing on 7/01/2014, at 1:30 p.m.*

06/30/2014 **Motion Hearing** (1:30 PM) (Judicial Officer: Lynch, Patricia)

| | | |
|---|---|---|
| *Parties Present:* | *Plaintiff* | *The State of Nevada* |
| | *Defendant* | *Schachter, Marc Paul* |
| | *Public Defender* | *Leslie, James Briand* |
| | *Deputy District Attorney* | *Bogale, Zelalem* |

07/01/2014 Amended Criminal Complaint Filed
*$40,000.00 - Changed DA, added Ct. II*

07/01/2014 Hearing Result (Judicial Officer: Lynch, Patricia )
*The Defendant present in custody together with attorney Jim Leslie, Esq. and the State was represented by Zelalem Bogale before the Honorable Patricia Lynch. The Defendant duly arraigned on Amended Criminal Complaint. The Defendant requests to represent himself. The Court finds the Defendant competant to waive his right to counsel. The Public Defender, Jim Leslie is hereby removed from the case. Preliminary Hearing proceeded.*

07/01/2014 **Disposition** (Judicial Officer: Lynch, Patricia)
1. Att robbery
   Bound Over
2. Burglary, 1st
   Bound Over

07/01/2014 Bound Over

07/01/2014 Notice of Bindover

07/01/2014 **Preliminary Hearing** (1:30 PM) (Judicial Officer: Lynch, Patricia)
*Court MAY consider self-representation before prelim on 7/01/2014*

| | | |
|---|---|---|
| *Parties Present:* | *Plaintiff* | *The State of Nevada* |
| | *Public Defender* | *LESLIE, JAMES* |
| | *Defendant* | *Schachter, Marc Paul* |
| | *Deputy District Attorney* | *Bogale, Zelalem* |

# CASE SUMMARY

## CASE NO. RCR2014-077569

| | |
|---|---|
| 07/03/2014 | Judgment Commitment Filed<br>*Felony commitment* |
| 07/03/2014 | Proceedings Certified to the Second Judicial District Court |

ORIGINAL

# ARREST REPORT AND DECLARATION OF PROBABLE CAUSE

10857

D4

RJC
RHU
ROP

RPD1412193C

COURT OF JURISDICTION RJC FILED CASE # 14-10834

2014 JUN 10 AM 8:52 R 610790

PHOTO #

PRINT CLEARLY

STEVE TUTTLE
RENO JUSTICE COURT
BY
DEPUTY

ARRESTEE'S (Last, First, Middle) NAME: SCHACHTER, MARC PAUL

AKA/ALIAS:

RESIDENCE (Street, City, State, Zip) ADDRESS: 1650 E 4th ST #7 Reno, NV

RACE: ☑ White ☐ Black ☐ Unknown ☐ Indian ☐ Asian

SEX: ☑ Male ☐ Female

ETHNICITY: ☐ Hispanic ☑ Non-Hispanic ☐ Unknown

DOB: 4-5-67 AGE: 44 HT: 5'10 WT: 160 SSN: POB: NEW YORK HAIR: BRO EYES: BRO

OCCUPATION & BUS ADDRESS: REFUSED

HOME PHONE: REFUSED

DRIV LIC #: 0803601944 DRIV LIC STATE: NV ID. CARD

ARRESTEE'S VEH ☐ Stored ☐ Left at Scene ☑ Not Applicable ☐ Impounded ☐ Held to Oth Par

BUS PHONE:

NEXT OF KIN: REFUSED

SCARS, MARKS, TATTOOS: NONE

ARREST DATE 6-9-14 TIME 1155 LOCATION 5260 W 7th ST Reno, NV

OFFENSE DATE 6-9-14 TIME 1152 LOCATION 5260 W 7th ST Reno, NV

| NRS/ORD # | NOC | BAIL | WARRANT # & DATE | CHARGE (F=Felony, G=Gross Misd, M=Misd) | F-G-M |
|---|---|---|---|---|---|
| 200.380 | 50144 | 10,000 | | 1 ATTEMPTED ROBBERY | F |
| | | | | 2 | |
| | | | | 3 | |
| | | | | 4 | |
| | | | | 5 | |
| | | | | 6 | |
| | | | | 7 | |
| | | | | 8 | |

ARRESTING OFFICER(S) AND ID #: WEST 10177 / DANIELS 9464

TRANSPORTING OFFICER(S) AND ID #: WEST / DANIELS

PRIVATE PERSON MAKING THE ARREST (Citizen Arrest):

REVIEWING SUPERVISOR AND ID #: 9484

The undersigned, WEST, a police officer, of RPD, hereby declares under penalty of perjury, that the above-named defendant has been arrested on probable cause and is subject to detention for the above-listed offense(s). Either personally or upon information and belief this officer learned the following facts and circumstances which support the arrest and detention:

* SEE SUPPLEMENT *

RELS TO RJC DATE 6/9/14 BY

DISSEMINATION IS RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY. SECONDARY DISSEMINATION TO NON-CRIMINAL AGENCIES IS PROHIBITED.

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charge is a felony or gross misdemeanor) or for trial (if charge is a misdemeanor).

Page 1 of 2 DECLARANT WEST, T I.D.# 10177

REVIEWED FOR PROBABLE CAUSE (PC)

PC FOUND ☒ PC NOT FOUND ☐ DATE 6/10/14 TIME 3:50 pm, MAGISTRATE

DEFENDANT ORDERED RELEASED, DATE, MAGISTRATE

S-308 (REVISED 3/06)

# DECLARATION SUPPLEMENT 14-10834

CASE# 14-10834

On 06/09/2014 I responded to 5260 W 7th St on the report of a petit larceny where the suspect was fighting security. Upon arrival I observed two Wal-Mart loss prevention employees attempting to detain Arrestee Marc Schachter in the north side of the parking lot. Upon detaining Mark and speaking with Wal-Mart loss prevention employees Alejandro Monroy and Anna Young it was learned Marc had entered Wal-Mart removed a backpack from the shelf and began placing other products in the backpack. Marc approached a register on the north side of the store and paid for two items that were not in the backpack. As Marc exited the store Alejandro and Anna contacted Marc who began denying stealing anything. As Alejandro attempted to take the backpack from Marc, Marc began pushing and shoving Alejandro away from him and attempting to flee in an effort to retain the stolen property. The struggle continued for approximately one minute with Marc continuing to push and elbow Alejandro in an effort steal the property. Alejandro was finally able to get the backpack from Marc shortly before police arrived. The stolen property totaled $99.61 and had already been recovered by Alejandro upon our arrival. Based on Marc physically fighting with Alejandro to retain stolen property he was transported and booked at the WCSO without incident for the listed charged of attempted robbery.

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charge is a felony or gross misdemeanor) or for a trial (if charge is a misdemeanor).

REVIEWED FOR PROBABLE CAUSE (PC) DECLARANT _____ ID# 1097

PC FOUND ☐ PC NOT FOUND ☐

DATE _____ _____ MAGISTRATE

DEFENDANT ORDERED RELEASED, DATE: _____ _____ MAGISTRATE

IN THE JUSTICE COURT OF
WASHOE COUNTY, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Marc Schachter

Defendant.

APPLICATION FOR APPOINTMENT OF PUBLIC DEFENDER

CASE NO. 14-10834

PCN

I hereby apply for appointment of the Washoe County Public Defender and declare under penalty of perjury: (1) I am indigent; and (2) I am without financial means to hire an attorney. I further declare under penalty of perjury the financial and employment information I provided verbally to Pretrial Services with this application is true and accurate to the best of my knowledge.

refused
DEFENDANT

WITNESSED: June 9 2014.

PRETRIAL SERVICES OFFICER

**ORDER**

The Court has reviewed the Defendant's answers to the Financial Inquiry to Determine Eligibility assessment and this Application executed under penalty of perjury. Good cause appearing it is hereby ordered that:

☐ the Application is DENIED. Defendant is not indigent.

Denied by Judge Pearson
3:45 PM, Jun 10, 2014

Comment:

☐ the Application is GRANTED. The Court finds that the Defendant is without means to employ an attorney or otherwise determines that representation by the Washoe County Public Defender is required. Reimbursement may be ordered by the Justice Court or District Court at a later time. The Washoe County Public Defender is appointed to represent the Defendant on the following condition(s):

DATED: 20___.

JUSTICE OF THE PEACE

# Washoe County Pretrial Services
# Assessment Report

## Case Filing

| Filed Name |
|---|
| SCHACTER, MARC PAUL |

## Arrest

| Booked Name | Arresting Agency | Booking Number | Arrest Date |
|---|---|---|---|
| SCHACHTER, MARC PAUL | RENO JUSTICE COURT | 14-09450 | 06/09/2014 |

| Case Number | NOC | Type | Description | Counts | Court | Bail Amt/Type |
|---|---|---|---|---|---|---|
| 14-10834 | 50144 | F | ATT ROBBERY | 1 | RJC | 10,000 B |

## Defendant Information

| Sex | Race | Birthdate | Age | Height | Weight | SS Number |
|---|---|---|---|---|---|---|
| M | WHITE | 04/05/1967 | 47 | 5' 10" | 160 | On File |

Address
REFUSED TO ANSWER
UNKNOWN, NV

Telephone
(775) -

Time at Current Address

Lives With

Relationship

Residence
County: 02 Yr 00 Mo

Born
NEW YORK CITY, NY, UNITED STATES

Primary Language
ENGLISH

ID Number | Type | Expiration Date

Marital Status
DIVORCED

How Long

Military Service
NONE

Discharge

Employment/Support Status
Unknown

Employer

How Long

Occupation

Employer Telephone

## Defendant Justice Identifier Codes/Criminal History

| FBI Number | SID Number | |
|---|---|---|
| | | |

| Arrests | Violent Fels | Felonies | Violent Misd | Misdemeanors | MMSD | Traffic | DUI | Pending |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

## Comments

THE DEFENDANT REFUSED TO ANSWER ANY QUESTIONS AND WALKED AWAY FROM THE INTERVIEW.
LB

## Assessment Status

| | Assessment | Initials |
|---|---|---|
| | FELONY NR | LBIDDING |

# Determination of Indigency Report

**Client:** SCHACTER, MARC PAUL
**Case#:** 14-10834
**SSN:** On File
**DOB:** 04/05/1967

## Identification

**Court:**
RENO JUSTICE COURT

**Charge(s):**
ATT ROBBERY

**Address:**
REFUSED TO ANSWER UNKNOWN, NV

**Length:**

**Phone:**
775 -

**Occupation and Employer:**

## Financial Information

| | |
|---|---|
| Asset | 0 |
| Expense | 0 |
| Income | 0 |
| Liability | 0 |

| | | | | |
|---|---|---|---|---|
| SUMMARY: | ASSETS: | 0 | INCOME: | 0 |
| | LIABILITIES: | 0 | EXPENSES: | 0 |
| | NET WORTH: | 0 | CASH FLOW: | 0 |

## Determination:

NO DETERMINATION MADE

## Recommendation

The above constitutes my recommendation to the court. I have explained my recommendation to the party.

Screening Agent/Witness:

Date:_____

## Comments:

THE DEFENDANT REFUSED TO ANSWER ANY QUESTIONS.

DA #14-12219

RPD RP14-010834

FILED

2014 JUN 13 PM 1:08

STEVE TUTTLE
RENO JUSTICE COURT
BY

IN THE JUSTICE COURT OF RENO TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: RCR2014-077569

v.

Dept.No.: /

MARC PAUL SCHACHTER,
Also known as
MARC PAUL SCHACTER,
Also known as
MARC PAUL SCHACHTER,

Defendant

_____/

CRIMINAL COMPLAINT

ROY L. STRALLA of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that MARC PAUL SCHACHTER also known as MARC PAUL SCHACTER also known as MARC PAUL SCHACHTER , the defendant above-named, has committed the crime(s of:

ATTEMPTED ROBBERY, a violation of NRS 193.330, being an attempt to violate NRS 200.380, a felony, in the manner following, to wit:

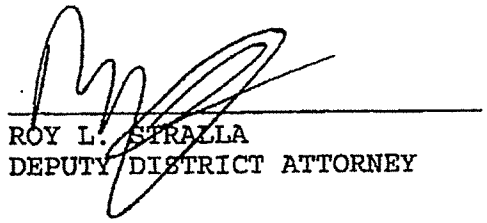
That the said defendant on or about the 9th day of June, 2014, at Reno Township, within the County of Washoe, State of Nevada, did willfully and unlawfully attempt to rob loss prevention personnel at Walmart, located at 5260 W 7th St, Reno, Nevada with the use of force and violence, in that the defendant used physical force upon

said persons to retain property he had just stolen from said location in order to facilitate his escape.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 13 day of June, 2014.



ROY L. STRALLA
DEPUTY DISTRICT ATTORNEY

PCN: RPD1412193C-SCHACHTER

Custody: X
Bailed:
Warrant:

District Court Dept: D04
District Attorney: STRALLA
Defense Attorney:
Bail $20,000.00
Restitution:

IN THE JUSTICE COURT OF
WASHOE COUNTY, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Marc Paul Schacter

Defendant.

APPLICATION FOR APPOINTMENT OF PUBLIC DEFENDER

CASE NO. RCR 2014-077569
PCN

I hereby apply for appointment of the Washoe County Public Defender and declare under penalty of perjury: (1) I am indigent and I am without financial means to hire an attorney. My weekly household income is 0 the total people in my household is 1.[1] I receive government assistance __yes ✓no and my total assets are 0.

X_____
DEFENDANT

WITNESSED:_____20___. _____
CLERK or JUDGE

ORDER

The Court has reviewed the Defendant's answers to the Financial Inquiry to Determine Eligibility assessment and this Application executed under penalty of perjury. Good cause appearing it is hereby ordered that:

☐ the Application is DENIED. The Court finds the Defendant is not indigent.

Comment:_____

☑ the Application is GRANTED. The Court finds that the Defendant is without means to employ an attorney or otherwise determines that representation by the Washoe County Public Defender is required. Reimbursement may be ordered by the Justice Court or District Court at a later time. The Washoe County Public Defender is appointed to represent the Defendant on the following condition(s):

Appointed over DIS refusal - DA looking at habitual criminal status

DATED: 6/23 2014. Patricia A. Lynch
JUSTICE OF THE PEACE

[1] ($418/1, $565/2, $712/3, $859/4)

DA #14-12219

RPD RP14-010834

FILED

2014 JUL -1 AM 9:03

RENO JUSTICE COURT

BY M. Bogale

IN THE JUSTICE COURT OF RENO TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. RCR2014-077569

v.

Dept.No. 1

MARC PAUL SCHACHTER,
also known as
MARC PAUL SCHACTER,
also known as
MARC PAUL SCHACHTER,

Defendant.

/

AMENDED CRIMINAL COMPLAINT

ZELALEM BOGALE of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that MARC PAUL SCHACHTER also known as MARC PAUL SCHACTER also known as MARC PAUL SCHACHTER, the defendant above-named, has committed the crimes of:

COUNT I. ATTEMPTED ROBBERY, a violation of NRS 193.330, being an attempt to violate NRS 200.380, a felony, in the manner following:

That the said defendant MARC PAUL SCHACHTER, on or about the 9th day of June, 2014, at Reno Township, within the County of Washoe, State of Nevada, did willfully and unlawfully attempt to rob loss prevention personnel at Walmart located at 5260 West 7th Street with the use of force and violence, in that the defendant used

///

physical force upon said persons to retain property he had just stolen from said location in order to facilitate his escape.

COUNT II. BURGLARY, a violation of NRS 205.060, a felony, in the manner following:

That the said defendant MARC PAUL SCHACHTER, on or about the 9th day of June, 2014, at Reno Township, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain Walmart located at 5260 West 7th Street with the intent then and there to commit larceny therein.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 1 day of July, 2014.

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

PCN: RPD1412193C-SCHACHTER

Custody:
Bailed:
Warrant:

*

District Court Dept: D04
District Attorney: ERICKSON
Defense Attorney:
Bail $40,000.00
Restitution:
J

MAY 2015
RECEIVED
RENO JUSTICE
COURT

IN THE JUSTICES COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

HONORABLE PATRICIA LYNCH, JUSTICE OF THE PEACE

--o0o--

| | |
|---|---|
| THE STATE OF NEVADA,<br>Plaintiff,<br>vs.<br>MARC PAUL SCHACHTER,<br>Also know as<br>MARC PAUL SCHACTER,<br>Also known as<br>MARC PAUL SCHACHTER,<br>Defendant. | Case No. RCR2014-077569<br>Dept. No. 1 |

COPY

JAVS ELECTRONICALLY RECORDED AUDIO PROCEEDINGS
MOTION HEARING
JUNE 23, 2014

APPEARANCES:

For the Plaintiff: MS. ERICKSON
Deputy District Attorney
1 South Sierra Street
Reno, Nevada 89501

For the Defendant: IN PRO PER

Transcribed by: LISA A. YOUNG

1
2

I N D E X

3 WITNESSES: DIRECT CROSS REDIRECT RECROSS

4 None called

5
6
7
8
9

10 EXHIBITS: Marked for IDENTIFICATION Admitted into EVIDENCE

11 None Marked

12
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21
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23
24

RENO, NEVADA; MONDAY, JUNE 23, 2014; 2:30 P.M.

--o0o--

THE COURT: Okay. Mr. Schachter.

THE DEFENDANT: Schachter.

THE COURT: Come on over. Case number RCR2014-077569. State of Nevada versus William Schachter who is representing himself. The State is represented by Ms. Erickson.

I see this is a felony, Ms. Erikson. Is that what's going on here today?

MS. ERICKSON: That's correct, Your Honor. I checked in and he does not appear to have an attorney.

THE COURT: Mr. Schachter, were you going to hire your own attorney or did you apply for the public defender?

THE DEFENDANT: Neither, Your Honor.

THE COURT: Neither. Okay. Well, this is a very serious charge. Do you want to have an attorney? You are entitled to one.

MR. SCHACHTER: Not at this time, Your Honor.

THE COURT: Not at this time. Okay.

You're charged with attempted robbery. Okay. It's a felony.

THE DEFENDANT: I understand.

1 THE COURT: All right. What is your highest
2 level of education?
3 THE DEFENDANT: I'm a high school graduate.
4 THE COURT: High school graduate. So you're
5 able to read and write.
6 THE DEFENDANT: Yes.
7 THE COURT: All right. Do you have any kind of
8 a mental problem or emotional problem or physical problem
9 that would prevent you from understanding the nature of
10 the proceedings and what's going on with you?
11 THE DEFENDANT: No, Your Honor.
12 THE COURT: You don't. All right. Do you
13 understand the legal defense, the legal elements that
14 make up attempted robbery?
15 THE DEFENDANT: Yes, Your Honor.
16 THE COURT: You do? What are they?
17 THE DEFENDANT: It would be a theft with a use
18 of force or violence.
19 THE COURT: Do you know if you have any
20 defenses?
21 THE DEFENDANT: I do, Your Honor.
22 THE COURT: You do have defenses?
23 THE DEFENDANT: I certainly do.
24 THE COURT: I'm a little leery about having you

1 go forward represent-- you want to represent yourself?
2 THE DEFENDANT: I do, Your Honor.
3 THE COURT: Do you understand that there are
4 trained lawyers who can represent you, and they know
5 about defenses that you have no idea about as a
6 layperson?
7 What do you do in your normal life?
8 THE DEFENDANT: I have been doing this for the
9 last 20 years so.
10 THE COURT: What do you mean this?
11 THE DEFENDANT: In and out of court.
12 THE COURT: In and out of court. You put down
13 refused next of kin, refused for occupation. No listed
14 address. So you don't have a job?
15 THE DEFENDANT: No, Your Honor.
16 THE COURT: When is the last time you worked?
17 THE DEFENDANT: '95. Other than prison '95.
18 THE COURT: Well, I'm kinda stumped as to what
19 to do with you, Mr. Schachter. Just because you have
20 been in and out of prison, it doesn't mean you're a
21 lawyer. All right. You're a jailhouse lawyer. It just
22 means you have been in and out of prison a lot.
23 THE DEFENDANT: Mm-hm.
24 THE COURT: Not saying anything about what you

1 did, just reading the probable cause sheet, it wasn't a
2 very smart thing. Okay. And, of course, fighting
3 security is never a good thing.
4 All right. I'm gonna ask you some questions,
5 and I'm just gonna see if you even qualify. All right.
6 THE DEFENDANT: Okay.
7 THE COURT: What is your monthly household
8 income?
9 THE DEFENDANT: Zero.
10 THE COURT: Zero? All right. How many people
11 are in your household?
12 THE DEFENDANT: Just me.
13 THE COURT: Just you? All right. Oh, and will
14 you raise your right hand.
15 (Whereupon the Court administered the
16 oath to the perspective witness.)
17 THE COURT: All right. So you make zero?
18 THE DEFENDANT: This is--
19 THE COURT: And you are the only person in your
20 household.
21 THE DEFENDANT: Excuse me. This is for-- to see
22 whether you are gonna allow me to go pro per?
23 THE COURT: I'm gonna see if you can qualify
24 for--

1 THE DEFENDANT: Qualify for?

2 THE COURT: The Public Defender.

3 THE DEFENDANT: I'm refusing the Public Defender

4 so.

5 THE COURT: But there are times when the Court

6 does appoint regardless if the person refuses. Okay?

7 THE DEFENDANT: Okay.

8 THE COURT: And I can do that.

9 THE DEFENDANT: Yes.

10 THE COURT: So I'm trying to see if, if someone

11 were to be appointed, if you would even qualify.

12 THE DEFENDANT: I'm sure I would qualify, Your

13 Honor.

14 THE COURT: It sounds like you would qualify.

15 Do you get any governmental assistance?

16 THE DEFENDANT: No.

17 THE COURT: Of any kind. Do you have any

18 assets?

19 THE DEFENDANT: No.

20 THE COURT: And you are refusing the advice of

21 the Public Defender. Do you understand-- maybe you want

22 to stay in prison or jail. Do you understand that's

23 where you might end up again?

24 THE DEFENDANT: I'm in jail right now, Your

1 Honor.

2 THE COURT: Yeah. You will be in there longer.

3 THE DEFENDANT: I understand that, yes, Your

4 Honor.

5 THE COURT: I don't know if you could be a

6 habitual.

7 Ms. Erickson, do you have any idea?

8 THE DEFENDANT: It's quite possible.

9 MS. ERICKSON: Yes, Your Honor, he is eligible

10 for the habitual criminal, the large (phonetic) habitual.

11 The State would prefer he be appointed the Public

12 Defender, and if he still insists on representing himself

13 after discussion with the Public Defender, that will be

14 the issue.

15 THE COURT: So a whole lot more serious, Mr.

16 Schachter. Okay.

17 So what I will do is over your refusal I'm gonna

18 appoint the Public Defender. You can talk to the person.

19 All right. You can talk to the person. Talk to them

20 about your case.

21 THE DEFENDANT: Mm-hm.

22 THE COURT: And then we'll see--all right. And

23 then at your next hearing, the Judge can decide. It

24 looks like it's gonna be me. All right. Department 1.

1 It might not be, you never know--whether or not you are
2 gonna represent yourself. Okay? For right now I'm gonna
3 appoint the Public Defender.
4 THE DEFENDANT: Okay. Again, am I allowed to
5 object right now to that recommendation for the record?
6 THE COURT: Yeah. You already said you refused.
7 THE DEFENDANT: But you hadn't made a decision
8 yet.
9 THE COURT: I hadn't made a decision yet,
10 right--
11 THE DEFENDANT: Right. That's the part I would
12 object to.
13 THE COURT: You have much more serious charges
14 now. Do you know what all the elements are of the
15 habitual criminal?
16 THE DEFENDANT: I don't need to know what the
17 elements are of the habitual criminal until they find me
18 guilty of the underlying crime, correct?
19 THE COURT: But do you know what you might be
20 facing in terms of sentencing then? Do you know?
21 THE DEFENDANT: A life term.
22 THE COURT: Do you know what you are looking at?
23 THE DEFENDANT: I can't be looking at any more
24 than a life term, is that correct?

1 THE COURT: Well, I don't know because I don't
2 sentence on those cases.
3 THE DEFENDANT: Exactly.
4 THE COURT: So I don't know.
5 THE DEFENDANT: But I would say--
6 THE COURT: If I were to represent myself, I can
7 tell you that--
8 THE DEFENDANT: I would say under Faretta.
9 THE COURT: Faretta--
10 THE DEFENDANT: The waiver has to be knowing.
11 It doesn't have to be with--
12 THE COURT: Well, it has to be somewhat
13 intelligent. You just can't--
14 THE DEFENDANT: I urge you to read the Faretta
15 before we come back. That's all. I mean, I object to
16 the appointment of the Public Defender and say that
17 Faretta doesn't require any knowledge of the law.
18 THE COURT: Well, I disagree, Mr. Schachter. So
19 right now I'm going to appoint the Public Defender.
20 Okay?
21 THE DEFENDANT: And what about my time
22 constraints, Your Honor? Are we waiving time for this?
23 THE COURT: No. I don't believe so. No. No.
24 People have the Public Defenders all the time and have

1 their preliminary hearing within 15 days. So I'm
2 assuming it's scheduled. So we will schedule it.
3 THE DEFENDANT: Okay.
4 THE COURT: All right. When was he arraigned?
5 Do you have that? The 16th. So we will get this
6 scheduled right now.
7 July 1st. All right. So we're gonna set your
8 hearing-- your preliminary hearing, all right, for July
9 1st at 1:30.
10 Now is that an MSC or is that a preliminary
11 hearing?
12 THE CLERK: That's a preliminary hearing.
13 THE COURT: You are setting it as-- oh, okay.
14 Can you set an MSC before then?
15 THE CLERK: Sure.
16 THE COURT: And just keep that on the board?
17 THE CLERK: Yes.
18 THE COURT: All right. Well, July 1st is going
19 to come up fast.
20 THE DEFENDANT: Your Honor, is it possible too I
21 can have the discovery in the meantime?
22 THE COURT: Well, I'm not going to tell you the
23 answers to those questions. You're asked me to--
24 THE DEFENDANT: Until we decide whether I'm

1 going to be appointed a lawyer or not I can't get the
2 discovery.
3 THE COURT: I just appointed your lawyer. So
4 your lawyer can get the discovery.
5 So we'll be done at the end of this week?
6 THE CLERK: I can (unintelligible)--
7 THE COURT: Do it on the 30th, June 30th.
8 All right. Ms. Erickson, we're gonna set it for
9 June 30th.
10 Now what that is, Mr. Schachter, is a mandatory
11 status conference. That's where you can talk to your
12 Public Defender. All right? The Public Defender can
13 talk to the D.A. If they wanna make any offers to you,
14 they can do that. If they don't, they don't have to. If
15 nothing works out through that, then you will come in the
16 next day for your preliminary hearing.
17 THE DEFENDANT: And I will have exactly one day
18 to look at my discovery?
19 THE COURT: I don't know how much time you will
20 have. I can't tell that you.
21 THE DEFENDANT: That's why I'm asking the Court
22 now to allow the District Attorney's Office--
23 THE COURT: I don't schedule the discovery. I
24 don't do that.

THE DEFENDANT: But you can order the District Attorney to turn over copies of discovery to me in the meantime because--

THE COURT: They will turn it over right now to your attorney.

MS. ERICKSON: That's correct, Your Honor. The discovery will be turned over to the Public Defenders' Office today.

THE COURT: It will be turned over today.

THE DEFENDANT: And we don't know who my Public Defender is. It will have to be appointed through-- it will be another week, right?

THE COURT: No. This will be really fast. Okay.

There you go, Mr. Schachter. I will see you next week then.

Anything else, Ms. Erickson?

MS. ERICKSON: No, Your Honor.

(Whereupon the proceedings were concluded.)

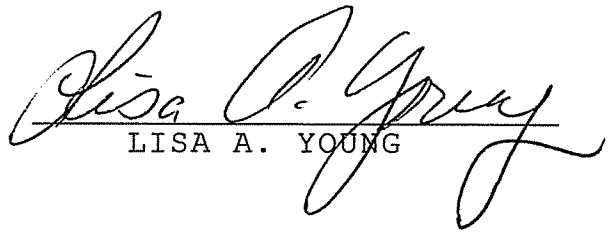
-oOo-

STATE OF NEVADA, )
)
COUNTY OF WASHOE. )

I, LISA A. YOUNG, do hereby affirm that I transcribed the JAVS electronically recorded proceedings in the within entitled case recorded on June 23, 2014 of said day, and transcribed the JAVS electronically recorded proceedings recorded and testimony given therein in the MOTION HEARING of the case of THE STATE OF NEVADA, Plaintiff, vs. MARC PAUL SCHACHTER, Defendant, Case No. RCR2014-077569 the State of Nevada, in and for the County of Washoe, do hereby affirm:

That the foregoing transcription, consisting of pages number 1 to 13, both inclusive, is a full, true and correct transcription of the JAVS electronically recorded proceeding.

DATED: At Fernley, Nevada, this 14th day of May 2015.



LISA A. YOUNG

CR14-1044 DC-0990005910 6-020
STATE VS. MARC PAUL SCHACHTE 7 Pages
District Court 08/27/2014 09:31 AM
Washoe County 4105
SHOMADTC

Code 4105

FILED
14 AUG 27 AM 9:31
JOEY ORDUNA HASTINGS
CLERK OF THE COURT
BY S. Williams
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

SUPPLEMENTAL PROCEEDINGS

STATE OF NEVADA vs. Marc Paul Schachter - RCR2014-077569

August 27, 2014

Received of Justice of the Peace of Reno Township Documents to be filed:

1. TRANSCRIPT OF PRELIMINARY HEARING DATED JULY 1, 2014
2. NOTICE OF ELECTRONIC RECORDING MALFUNCTION

JOEY ORDUNA HASTINGS
Clerk of the Court

By S. Williams
Deputy

**CERTIFICATE OF CLERK**

I hereby certify that the enclosed documents are certified as true and correct copies of the original documents on file with the Reno Justice Court.

Dated on this the 27th day of August, 2014.

Steve Tuttle
Court Administrator

By: Debbie Phaney
Deputy Clerk

JUL 14
RECEIVED
RENO JUSTICE
COURT

IN THE JUSTICE COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE PATRICIA A. LYNCH, JUSTICE OF THE PEACE

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. RCR2014-077569

Dept. No. 1

MARC PAUL SCHACHTER,

Defendant.

_____/

TRANSCRIPT OF PROCEEDINGS
JAVS Recorded Preliminary Hearing
July 1, 2014

APPEARANCES:

For the Plaintiff: ZELALEM BOGALE, ESQ.
Deputy District Attorney
One South Sierra Street

For the Defendant In Propria Persona: MARC PAUL SCHACHTER

(JAVS ELECTRONICALLY RECORDED)

Transcribed by: Wendy L. Pearson

RENO, NEVADA; TUESDAY, JULY 1, 2014

--oOo--

(The entire proceeding contained nothing but a loud static buzz sound.)

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

I, WENDY L. PEARSON, do hereby state that I was not present for the Preliminary Hearing in the Reno Justice Court for the above-entitled matter on Tuesday, July 1, 2014, but transcribed the proceedings given upon the matter captioned herein from the JAVS electronically recorded audio media;

That the foregoing transcript, consisting of pages 1 and 2, is a full, true and correct transcription of said JAVS electronically recorded audio media.

DATED: At Reno, Nevada, this 3rd day of July, 2014

WENDY L. PEARSON

FILED

2014 AUG 27 AM 7:49

STEVE TUTTLE
RENO JUSTICE COURT
BY DS
DEPUTY

IN THE JUSTICE COURT OF RENO TOWNSHIP

COUNTY OF WASHOE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

/

Case No. RCR2014-077569

Dept. No. 1

**NOTICE OF ELECTRONIC RECORDING MALFUNCTION**

Please take notice that on July 1, 2014, the Preliminary Hearing was held in The State of Nevada vs. Marc Paul Schachter.

As per NRS 4.400, the designated clerk of the court operated the sound recording equipment in proper manner:

NRS 4.400 Operation of equipment; transcription of recordings; use of transcript.

1. Each justice of the peace shall appoint and, with the approval of the board of county commissioners, fix the compensation of a suitable person, who need not be a certified court reporter and may have other responsibilities in the court to operate the sound recording equipment. The person so appointed shall subscribe to an oath that the person will so operate it as to record all of the proceedings.
2. The justice of the peace may designate the same or another person to transcribe the recording into a written transcript. The person so designated shall subscribe to an oath that the person

has correctly transcribed it. The transcript may be used for all purposes for which transcripts are used and is subject to correction in the same manner as other transcripts.

The sound recording equipment was turned on at the commencement of the Preliminary Hearing and recorded nothing but static noise throughout the entirety of the proceeding in the above-entitled case on the referenced date and was materially or extensively defective due to equipment failure.

Attached hereto is a certified transcript of proceedings in this case.

I HEREBY SUBSCRIBE that the recording equipment was operated in proper manner to the best of my knowledge and ability.

DATED this 27th day of August 2014.

Debbie Henry
Court Clerk of
Reno Justice Court

DA #14-12219

RPD RP14-010834

FILED
Electronically
2014-07-14 03:11:37 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4515597 : shambrig

CODE 1800
Richard A. Gammick
#001510
P.O. Box 11130
Reno, NV 89520
(775) 328-3200
Attorney for State of Nevada

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MARC PAUL SCHACHTER,
also known as
MARC PAUL SCHACTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

AMENDED INFORMATION

RICHARD A. GAMMICK, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above entitled Court that MARC PAUL SCHACHTER also known as MARC PAUL SCHACTER, the defendant above named, has committed the crimes of:

COUNT I. ATTEMPTED ROBBERY, a violation of NRS 193.330, being an attempt to violate NRS 200.380, a felony, in the manner following:

That the said defendant MARC PAUL SCHACHTER, on or about the 9th day of June, 2014, and before the filing of this Information,

within the County of Washoe, State of Nevada, did willfully and unlawfully attempt to rob loss prevention personnel at Walmart located at 5260 West 7th Street with the use of force and violence, in that the defendant used physical force upon said persons to retain property he had just stolen from said location in order to facilitate his escape.

COUNT II. BURGLARY, a violation of NRS 205.060, a felony, in the manner following:

That the said defendant MARC PAUL SCHACHTER, on or about the 9th day of June, 2014, and before the filing of this Information, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain Walmart located at 5260 West 7th Street with the intent then and there to commit larceny therein, after having been previously convicted of Grand Larceny, a felony, on November 4, 2009 in Washoe County, Nevada.

COUNT III. BEING A HABITUAL CRIMINAL, as defined in NRS 207.010, in the manner following:

That the said defendant, MARC PAUL SCHACHTER, is a habitual criminal in that the said defendant, prior to the date alleged in the other counts of this Information, has previously been convicted of the following criminal offenses:

1. GRAND LARCENY.

That on or about November 4, 2009, the said defendant, MARC PAUL SCHACHTER, was convicted in Washoe County, State of Nevada, of the crime of Grand Larceny, a felony under the laws of the State of Nevada.

2. GRAND LARCENY.

That on or about April 18, 2006, the said defendant, MARC PAUL SCHACHTER, was convicted in Douglas County, State of Nevada, of the crime of Grand Larceny, a felony under the laws of the State of Nevada.

3. ATTEMPTED BURGLARY.

That on or about June 18, 1987, the said defendant, MARC PAUL SCHACHTER, was convicted in the Suffolk County Supreme Court of the crime of Attempted Burglary, a felony under the laws of the situs of the crime or the State of Nevada.

4. FORGERY.

That on or about June 18, 1987, the said defendant, MARC PAUL SCHACHTER, was convicted in the Suffolk County Supreme Court of the crime of Forgery, a felony under the laws of the situs of the crime or the State of Nevada.

5. PETIT LARCENY.

That on or about July 13, 1989, the said defendant, MARC PAUL SCHACHTER, was convicted in the Suffolk County 1st District Court of the crime of Petit Larceny, a misdemeanor under the laws of the situs of the crime or the State of Nevada.

6. TAKING A VEHICLE WITHOUT THE OWNER'S CONSENT.

That on or about February 13, 1991, the said defendant, MARC PAUL SCHACHTER, was convicted in the Los Angeles County Superior Court of the crime of Taking a Vehicle Without the Owner's Consent, a felony under the laws of the situs of the crime or the State of Nevada.

7. TAKING A VEHICLE WITHOUT THE OWNER'S CONSENT.

That on or about April 1, 1992, the said defendant, MARC PAUL SCHACHTER, was convicted in the Santa Clara County Superior Court of the crime of Taking a Vehicle Without the Owner's Consent, a felony under the laws of the situs of the crime or the State of Nevada.

8. PETTY THEFT WITH PRIOR JAIL.

That on or about February 13, 1996, the said defendant, MARC PAUL SCHACHTER, was convicted in the Palo Alto Municipal Court of the crime of Petty Theft with Prior Jail, a misdemeanor under the laws of the situs of the crime or the State of Nevada.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By: /s/ ZELALEM BOGALE
ZELALEM BOGALE
12937
Deputy District Attorney

The following are the names and addresses of such witnesses as are known to me at the time of the filing of the within Information:

ANTHONY DANIELS, RENO POLICE DEPARTMENT
NICHOLAS REED, RENO POLICE DEPARTMENT
TERRY WEST, RENO POLICE DEPARTMENT
ALEJANDRO MONROY, C/O WALMART 5260 W 7TH ST RENO, NV 89523
ANNA LISA YOUNG, 1855 EL RANCHO DR #366 SPARKS, NV 89431

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.230.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
12937
Deputy District Attorney

PCN: RPD1412193C-SCHACHTER

DA #14-12219

RPD RP14-010834

FILED
Electronically
2014-07-10 02:03:26 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4511447 : jyost

CODE 1800
Richard A. Gammick
#001510
P.O. Box 11130
Reno, NV 89520
(775) 328-3200
Attorney for State of Nevada

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MARC PAUL SCHACHTER,
also known as
MARC PAUL SCHACTER,

Defendant.

Case No.: CR14-1044

Dept. No.: D04

_____/

INFORMATION

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///

///

2. GRAND LARCENY.

That on or about April 18, 2006, the said defendant, MARC PAUL SCHACHTER, was convicted in Douglas County, State of Nevada, of the crime of Grand Larceny, a felony under the laws of the State of Nevada.

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8. PETTY THEFT WITH PRIOR JAIL.

That on or about February 13, 1996, the said defendant, MARC PAUL SCHACHTER, was convicted in the Palo Alto Municipal Court of the crime of Petty Theft with Prior Jail, a misdemeanor under the laws of the situs of the crime or the State of Nevada.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By: /s/ ZELALEM BOGALE
ZELALEM BOGALE
12937
Deputy District Attorney

The following are the names and addresses of such witnesses as are known to me at the time of the filing of the within Information:

ANTHONY DANIELS, RENO POLICE DEPARTMENT
NICHOLAS REED, RENO POLICE DEPARTMENT
TERRY WEST, RENO POLICE DEPARTMENT
ALEJANDRO MONROY, C/O WALMART, 5260 W 7TH ST., RENO, NV 89523
ANNA LISA YOUNG, 1855 EL RANCHO DR #366 SPARKS, NV 89431

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.230.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
12937
Deputy District Attorney

PCN: RPD1412193C-SCHACHTER

FILED
Electronically
2015-06-02 07:12:14 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 4980606

CODE: 4185
DAWN B. GUSTIN, CCR #253
Hoogs Reporting Group
435 Marsh Avenue
Reno, Nevada 89509
(775) 327-4460
COURT REPORTER

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE ELLIOTT A. SATTLER, DISTRICT JUDGE

--ooOoo--

| | |
|---|---|
| THE STATE OF NEVADA, | Case No. CR14-1044 |
| Plaintiff, | Dept. No. 4 |
| vs. | |
| MARC PAUL SCHACHTER, | |
| Defendant. | |

# TRANSCRIPT OF PROCEEDINGS

## ARRAIGNMENT

THURSDAY, JULY 17, 2014

Reported by: DAWN BRATCHER GUSTIN, CCR 253, RPR, CRR
California CSR 7124

APPEARANCES:

FOR THE PLAINTIFF: NATHAN D. MacLELLAN, ESQ.
Deputy District Attorney
1 S. Sierra St., 4th Floor
Reno, Nevada 89501

FOR THE DEFENDANT: JAMES BRIAND LESLIE, ESQ.
Chief Deputy Public Defender
350 S. Center St., 5th Floor
Reno, Nevada 89501

FOR THE DIVISION OF PAROLE AND PROBATION: LYNETTE DIX

--oOo--

RENO, NEVADA, THURSDAY, JULY 17, 2014, 9:49 A.M.

--oOo--

THE COURT: How about Marc Schachter, CR14-1044. Mr. Schachter appears in court in custody with his attorney, Mr. Leslie. Mr. MacLellan is here on behalf of the State of Nevada. Ms. Dix is here on behalf of the Division of Parole and Probation. This is an arraignment.

Mr. Leslie, do you have a copy of the July 14th, 2014, file-stamped Information in this case? Amended Information, excuse me.

MR. LESLIE: Your Honor, if I might, actually at the Justice Court level I appeared per assignment with Mr. Schachter. Judge Lynch conducted a Faretta canvass at Mr. Schachter's request. I take no position on how he did, although he did well in some of his answers. In any event, Judge Lynch found that he was competent under Faretta to proceed representing himself.

I'm not a hundred percent sure why I'm here today, but my secretary did track me down yesterday and say, "Look, Department 4 wanted you there." I think that at this point he's representing himself.

1 THE COURT: Well, I'm -- I'm somewhat
2 concerned about that. I have no disrespect certainly for
3 Judge Lynch at the Justice Court level, but I am pretty
4 confident that Judge Steinheimer would want to conduct
5 her own Faretta canvass of the defendant. I could do a
6 Faretta canvass as well, but the case is ultimately going
7 to be assigned to Department 4 for further proceedings,
8 and so what I will do in this case is continue this
9 matter.
10 Is Judge Steinheimer back next week?
11 THE CLERK: Yes, your Honor. She will be
12 available on July 24th.
13 THE COURT: All right. So what we're going
14 to do, Mr. Schachter, is just continue your case one week
15 so that Judge Steinheimer, who is the assigned judge,
16 will be able to do the same type of canvass that was done
17 with you at the Justice Court level pursuant to Supreme
18 Court Rule 253, if I remember correctly.
19 THE DEFENDANT: Can I just make one note for
20 the record?
21 THE COURT: Sure.
22 THE DEFENDANT: The continual mother-henning
23 of the courts to make sure my rights are preserved is
24 prejudicing my case where I can't get a timely --

1 exculpatory evidence that could eventually be material to
2 the case.
3 THE COURT: In what way?
4 THE DEFENDANT: In that I have videotape that
5 could potentially be lost, and the continual delay,
6 delay, delay, especially without -- I have received
7 minimal discovery, no witness statements, four or five
8 pages of actual police reports that deal with the instant
9 offense.
10 THE COURT: Well, if Judge Steinheimer
11 determines that you are able to represent yourself going
12 forward in this matter, then you can certainly file
13 whatever motions regarding discovery you feel are
14 appropriate and the State has an obligation, even without
15 the motions being filed, to provide you with all the
16 evidence that they have in their possession regarding
17 your case. That's a little bit too broad, but they have
18 an obligation to provide you with certain discovery, as
19 you know. And I don't see that one week of a continuance
20 is going to impact your case. You certainly haven't
21 articulated any reason that would lead me to believe that
22 we have to do anything with your case today as opposed to
23 one week from today.
24 So it will be the order of the Court that

1 this matter is continued to be heard by Judge Steinheimer
2 on Thursday, July 24th --
3 Does she start at 8:30 or 9:00?
4 THE CLERK: 9:00 a.m., your Honor.
5 THE COURT: -- at 9:00 a.m. So you've got
6 one week to go, Mr. Schachter, and then she'll do the 253
7 canvass with you and make a decision on your case.
8 THE DEFENDANT: Thank you, your Honor.
9 THE COURT: Thank you, sir.
10 (Proceedings concluded.)
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24

STATE OF NEVADA )

) ss.

COUNTY OF WASHOE )

I, DAWN BRATCHER GUSTIN, Certified Court Reporter in and for the State of Nevada, do hereby certify:

That the foregoing proceedings were taken by me at the time and place herein set forth; that the proceedings were recorded stenographically by me and thereafter transcribed via computer under my supervision; that the foregoing is a full, true and correct transcription of the proceedings to the best of my knowledge, skill and ability.

I further certify that I am not a relative nor an employee of any attorney or any of the parties, nor am I financially or otherwise interested in this action.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing statements are true and correct.

Dated this 2nd day of June, 2015.

Dawn Bratcher Gustin

Dawn Bratcher Gustin, CCR #253

FILED
Electronically
2014-08-11 09:11:08 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4556846

IN THE SECOND JUDICIAL DISTRICT COURT

STATE OF NEVADA, COUNTY OF WASHOE

THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

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| THE STATE OF NEVADA,<br>Plaintiff,<br>vs.<br>MARC PAUL SCHACHTER,<br>Defendant. | Case No. CR14-1044<br>Dept. No. 4 |

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT

JULY 24, 2014

APPEARANCES:

For the Plaintiff: ZELALEM BOGALE, ESQ.
Deputy District Attorney
One South Sierra St., 4th Floor
Reno, Nevada

For the Defendant: IN PROPRIA PERSONA

Reported by: ROMONA MALNERICH, CCR #269
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RENO, NEVADA, THURSDAY, JULY 24, 2014, 9:00 A.M.

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THE COURT: Marc Schachter.

MR. BOGALE: Zelalem Bogale on behalf of the State, your Honor. Good afternoon.

THE COURT: Good afternoon.

Mr. Schachter, this is the time set for an arraignment on an Information that was filed against you by the State on July 14th, 2014. Did the previous judge give you a copy of that Information?

THE DEFENDANT: No. The amended complaint, I have, but not a new Information.

THE COURT: Okay. I have before me an Amended Information, which was filed on the date I just told you. Did you get a copy of the Information that was filed, not the amended one?

THE DEFENDANT: I've never had anything that was filed. An amended, no. I got one the day of my preliminary -- the second count wasn't filed.

THE COURT: Okay. So what I'm going to do is I'm going to have the bailiff hand you a copy of the charges against you, so you have those.

Now, it's my understanding that the lower court,

1 before your preliminary hearing, determined that you could
2 represent yourself. Did you request that?
3 THE DEFENDANT: Yes, I did, your Honor.
4 THE COURT: And why did you request that you
5 wanted to represent yourself?
6 THE DEFENDANT: I feel that the case is -- not
7 only am I factually innocent, but the case is better
8 handled by me than the Public Defender's Office. I can't
9 afford to pay for a lawyer. My previous experience with
10 the Washoe County Public Defender's Office has been
11 horrendous, your Honor.
12 THE COURT: Have you previously been represented
13 by Mr. Leslie or Mr. Goodnight?
14 THE DEFENDANT: I have.
15 THE COURT: Okay. And you think you have some
16 issues there?
17 THE DEFENDANT: Some issues with Mr. Leslie,
18 certainly, but issues with going to trial with other
19 public defenders, yes.
20 THE COURT: With other public defenders?
21 THE DEFENDANT: Yes.
22 THE COURT: Well, I'm going to ask you a series
23 of questions. How old are you?
24 THE DEFENDANT: Forty-seven, your Honor.

1 THE COURT: And what's your level of education?
2 THE DEFENDANT: Graduated high school.
3 THE COURT: When you graduated from high school,
4 did you graduate with a particular GPA or any special
5 certificates?
6 THE DEFENDANT: I graduated with just over a
7 three GPA and a SAT score of 1140.
8 THE COURT: So what's your background and prior
9 experience and familiarity with legal proceedings?
10 THE DEFENDANT: I've been to trial three times,
11 including an acquittal in L.A. County. And I've been a
12 criminal defendant, as you may or may not be aware, on
13 several occasions.
14 THE COURT: Well, is that the only experience
15 you have, is being a defendant in court?
16 THE DEFENDANT: Yes, your Honor.
17 THE COURT: Have you ever done any legal
18 research of any kind?
19 THE DEFENDANT: Yes, your Honor.
20 THE COURT: And what kind of legal research have
21 you done?
22 THE DEFENDANT: Legal research as to my own
23 cases, but I've read the NRS through those cases,
24 researched those cases, to jeopardize those cases or the

1 individual facts of those cases, and I wrote briefs and
2 petitions. I appeared before you on a petition for writ
3 of habeas corpus and a motion for reconsideration on a
4 professional error three years ago here.
5 THE COURT: Sorry, I don't remember. A lot of
6 people come through here.
7 Did you do that yourself? Did you represent
8 yourself?
9 THE DEFENDANT: Yes, your Honor.
10 THE COURT: On the habeas?
11 THE DEFENDANT: On the habeas and the
12 reconsideration for --
13 THE COURT: Were you successful on that?
14 THE DEFENDANT: No, you denied both of them.
15 THE COURT: Would that be a reason to not
16 represent yourself? I mean, part of your concern about
17 the Public Defender is that you haven't been successful.
18 Now, you weren't successful representing yourself. So is
19 that a reason not to represent yourself?
20 THE DEFENDANT: There are other reasons why I'd
21 prefer to represent myself. But if the Court would like
22 to know, I would feel more comfortable outside the
23 presence of defense counsel or the State, because they
24 tend to reveal defense strategy at this time.

1 THE COURT: Tell me a little bit about your
2 health. Do you have any health issues?
3 THE DEFENDANT: No, your Honor.
4 THE COURT: Are you taking any medications?
5 THE DEFENDANT: No, your Honor.
6 THE COURT: Have you ever been diagnosed with
7 any mental health issue?
8 THE DEFENDANT: No, your Honor.
9 THE COURT: How many times have you been
10 incarcerated?
11 THE DEFENDANT: A lot. I'm gonna say over 20.
12 THE COURT: Over 20?
13 THE DEFENDANT: Yeah.
14 THE COURT: And you've never been diagnosed with
15 any mental health issue?
16 THE DEFENDANT: No, your Honor.
17 THE COURT: Have you been diagnosed with drug or
18 alcohol addiction?
19 THE DEFENDANT: I have admitted to drug use.
20 THE COURT: Has anyone threatened you or coerced
21 you in any way about giving up your right to have an
22 attorney appointed?
23 THE DEFENDANT: No, your Honor.
24 THE COURT: Do you understand that an attorney

1 will be appointed to represent you and that you will not
2 have to pay for it?
3 THE DEFENDANT: Yes, your Honor.
4 THE COURT: At the end of the case, you might be
5 assessed a small amount, but it would be nothing like what
6 you would have to do to pay an attorney. Do you
7 understand that?
8 THE DEFENDANT: Yes.
9 THE COURT: What are the elements of the charges
10 that you're charged with?
11 THE DEFENDANT: The attempted robbery is to
12 unlawfully take property belonging to another person and
13 using force or violence to retain that property. The
14 burglary is the intent prior to entering the building --
15 intent prior to entering the building to commit larceny or
16 some other kind. And the habitual, I guess they would
17 have to prove multiple convictions.
18 THE COURT: Yes, they'd have to show that you
19 were convicted multiple times, but there's more to it than
20 that.
21 THE DEFENDANT: Honestly, your Honor, they
22 notified me at the preliminary that they were gonna file
23 the habitual, but I haven't had a chance to research that.
24 THE COURT: Do you know what the possible

1 penalties are for these offenses?
2 THE DEFENDANT: The intent to robbery, I believe
3 it was six years, and the burglary holds a 10-year, and
4 the habitual would hold a 10-to-life.
5 THE COURT: And there is the possibility,
6 depending upon the individual, for life without, which is
7 the maximum penalty. Do you understand that?
8 THE DEFENDANT: Yes, your Honor.
9 THE COURT: What do you think the total amount
10 of time that you could receive on these charges is, if you
11 are convicted? And I don't have the habitual before me,
12 so I don't know what it's charged as.
13 THE DEFENDANT: I'm not sure I understand the
14 question.
15 THE COURT: What do you think the total amount
16 of time you could be sentenced to is, if you were
17 convicted of everything?
18 THE DEFENDANT: Oh, I would say 10 to life. And
19 then you inform me that there's also life without. So I'd
20 say the life without is obviously the maximum penalty.
21 THE COURT: But do you understand everything
22 could be stacked?
23 THE DEFENDANT: Well, they can't be stacked
24 further than the life without. You only get one life.

1 THE COURT: Well, that's true, but they've
2 sentenced people previously to more than one life --
3 THE DEFENDANT: So, obviously, there's the
4 maximum on each one, and I just said the six and the ten.
5 So that's 16, plus the life without. Right?
6 THE COURT: Right.
7 Can you tell the Court what your understanding
8 is of the pleas that are available to you?
9 THE DEFENDANT: I can plead guilty, not guilty,
10 or no contest, nolo contendere.
11 THE COURT: And what are the possible defenses
12 that would be available to these charges?
13 THE DEFENDANT: I don't know about all the
14 possible charges, but I know I'm not factually guilty of
15 the robbery or any larceny. That's the defense that I'm
16 really concerned about at this point, your Honor.
17 THE COURT: I'm very concerned about the
18 habitual criminal charge, because I really don't think you
19 understand that. There are specific defenses that could
20 be put forth on that, and it's very clear that you don't
21 understand what those are.
22 THE DEFENDANT: But do you agree, your Honor,
23 that if I'm factually innocent of the two other charges,
24 that we really wouldn't have to discuss the habitual?

1 THE COURT: I would agree with that if the jury
2 finds you not guilty. In your mind, you are innocent, but
3 I can't tell you that a jury will not find you guilty just
4 because, in your mind, you think you are innocent.
5 THE DEFENDANT: No, I understand that.
6 THE COURT: So I think you have to go through
7 this case assuming a worst-case scenario, which would be
8 that you are found guilty of the underlying charges and
9 you face being sentenced as a habitual criminal, with a
10 significant potential penalty. And there are some
11 interesting and specialized defenses to that, but I don't
12 see that you understand that at all.
13 THE DEFENDANT: I'm not opposed to -- I don't
14 know how the workings of this court or this district goes
15 with the pro-per inmates, but I'm not opposed to a
16 co-counsel or standby counsel at this point. I just don't
17 see the need for it, other than hearings. I don't believe
18 this case will go to trial, your Honor. I believe that
19 once all the Brady and discovery is out there, that the
20 case is dismissed, hopefully, but I have no objection to
21 having a standby counsel appointed.
22 THE COURT: Do you understand that there's no
23 promises that this case will be dismissed?
24 THE DEFENDANT: No, of course not. Look, I'm

1 the one that was there; I know what happened, your Honor.
2 So I believe that as long as the State cooperates with
3 discovery and Brady, that they'll be able to see -- the
4 State will be able to see for themselves that the case is
5 not good.
6 THE COURT: Do you understand that any
7 possibility of arguing that you had ineffective assistance
8 of counsel is lost if you're your own attorney?
9 THE DEFENDANT: Yes, except for when Mr. Leslie
10 was appointed in the justice court. Right?
11 THE COURT: No. You went through the lower
12 court representing yourself.
13 THE DEFENDANT: No. I was improperly denied on
14 June 23rd, and then on July 1st, we had the -- whatever it
15 was.
16 THE COURT: So when was your preliminary
17 hearing?
18 THE DEFENDANT: July 1st.
19 THE COURT: So you were not represented by
20 counsel at the prelim.
21 THE DEFENDANT: No, your Honor, but I was
22 improperly denied on the 23rd. Mr. Leslie was appointed
23 on the 23rd. On the 30th, we had a mandatory status
24 conference, where I do believe there was some issues of

his competence. Then on the 1st, after more discussion, we finally had the Farretta waiver.

THE COURT: Okay. What I'm talking about is -- because that is such a short period of time and the damages to you is going to be very hard to prove, even if he were ineffective. The issue that you are going to be dealing with is whether or not you were effective at your preliminary hearing or in this court.

THE DEFENDANT: I agree with you, but the law is what Mechanical versus Wiggins says, is that there's no harmless error review on a --

THE COURT: Wait. What?

THE DEFENDANT: There is no harmless error review on a Farretta violation.

THE COURT: Farretta violation?

THE DEFENDANT: Farretta -- on a self-representation violation. So there's no harmless review. So the moment that the improper denial is made, the violation is there.

THE COURT: All right. So what does that mean?

THE DEFENDANT: That means that on review from the appellate court or from this court, there would be a reversal.

THE COURT: You think you can get your case

1 reversed if you go to a jury trial representing yourself,
2 because the lower court judge delayed appointing you -- or
3 allowing you to represent yourself for four days prior to
4 your prelim?
5 THE DEFENDANT: I don't know if I can get it
6 reversed, but it's an issue.
7 THE COURT: Yeah, but it's not going to -- if
8 you're thinking that, that would be a good reason for you
9 to not represent yourself, because that's kind of not good
10 thinking.
11 THE DEFENDANT: I'm just putting it out there,
12 your Honor. You asked me about the violation and the --
13 THE COURT: No. What I asked you is, do you
14 understand that when you represent yourself, you're
15 waiving any right to complain about ineffective assistance
16 of counsel, and you brought up this earlier time, and what
17 I meant was for your representation. In other words, the
18 most critical time in your case is the preliminary
19 hearing, perhaps, but from the time you get to district
20 until the time you are found guilty or innocent, that's
21 the most critical point. And you represented yourself
22 through that point. So any claim of ineffective
23 assistance of counsel, you have none.
24 THE DEFENDANT: I understand that, your Honor.

1 THE COURT: And if you represented yourself,
2 you've lost any opportunity to complain about any error
3 that happens in your trial that you failed to object to.
4 THE DEFENDANT: I understand that, your Honor.
5 THE COURT: You're held to the same standard as
6 though you were a lawyer. So if you're in trial and you
7 don't make the proper objections, you've waived those
8 objections and you cannot get a new trial based on that
9 error.
10 THE DEFENDANT: I understand that, your Honor.
11 THE COURT: If you are found guilty, how long do
12 you have to appeal?
13 THE DEFENDANT: Thirty days.
14 THE COURT: Did you request standby counsel,
15 before you --
16 THE DEFENDANT: No. The State asked for it and
17 Judge Lynch denied it.
18 THE COURT: Okay. Do you want standby counsel?
19 THE DEFENDANT: As I said, your Honor, under
20 Farretta, I can't say no. The Court has the right to
21 appoint him, with or without my objection. So I'm not
22 objecting to it, but, like I said, I don't know how the
23 Court works this pro per. If that's my only access to
24 file the motions and other legal research, is through a

1 standby counsel -- which is what Washoe Legal Services
2 told me -- then, of course, I would prefer to have standby
3 counsel, but I don't know what the Court -- I don't
4 understand the exact workings of how the Court deals with
5 the pro-per defendant, as far as the access, as far as
6 research, defense tools and stuff like that.
7 THE COURT: I will tell you, because our Public
8 Defender's Office is so professional, we don't have very
9 many people deciding to represent themselves. It's
10 usually a very, very bad idea. If you look at history --
11 you can go back to Shakespeare's time and you can go back
12 to Mark Twain and you can see history is replete with
13 circumstances where it is foolhardy to represent yourself.
14 And if you're given an opportunity to have a professional,
15 well-trained Public Defender's Office represent you --
16 which I daresay is probably a little bit different than
17 L.A. County -- you should take that advantage. Most
18 people do. So when you say what do we do, we don't have a
19 standard, because most defendants in Washoe County choose
20 not to represent themselves, because they understand it is
21 not the best thing to do. But I do know that you have
22 limited access to legal research at the jail, and Washoe
23 Legal Services only provides legal research for you in
24 civil cases. I don't think they'll do it for you in a

criminal case.

THE DEFENDANT: Well, like I said, they told me that it has to come through standby counsel.

THE COURT: So they told you they wouldn't do anything for you.

THE DEFENDANT: They'd do some, but they said they are not the appropriate vehicle for full access to the courthouse.

THE COURT: Is there anything I've said that's maybe got you thinking, "I shouldn't represent myself. It would be better that somebody who's trained in the law, who understands the legal process represent me"?

THE DEFENDANT: If it wasn't the Washoe Public Defender's Office, I would be more inclined to say yes, your Honor, but my experience with them is, like I said, is horrendous. So --

THE COURT: Do you understand that if you proceed to represent yourself and go to a jury trial, you will have to conduct yourself in the same manner as an attorney?

THE DEFENDANT: I do, your Honor.

THE COURT: You understand that?

THE DEFENDANT: Uh-huh.

THE COURT: Have you represented yourself

1 before?
2 THE DEFENDANT: In muni and justice court, yes,
3 your Honor.
4 THE COURT: But never in a trial.
5 THE DEFENDANT: No, your Honor.
6 THE COURT: Have you always had court-appointed
7 counsel?
8 THE DEFENDANT: Except for the lower court,
9 yeah.
10 I should take that back. I have had a paid-for
11 attorney. So they're not always court-appointed.
12 THE COURT: Has anyone in any way told you that
13 you couldn't have an attorney or that they wouldn't
14 represent you?
15 THE DEFENDANT: No, your Honor.
16 THE COURT: Have you talked to any lawyer about
17 the consequences of self-representation?
18 THE DEFENDANT: No, your Honor.
19 THE COURT: Do you understand that with an
20 attorney on the other side who is an experienced,
21 professional counsel, you will definitely be at a
22 disadvantage, both in skill, training and ability?
23 THE DEFENDANT: Yes, your Honor.
24 THE COURT: And you will not be entitled to any

1 special library privileges or research privileges if you
2 don't have counsel.
3 THE DEFENDANT: That, I wasn't aware of, but if
4 that's what the court orders.
5 THE COURT: Do you understand that your
6 effectiveness for the defense side is diminished if you're
7 trying to have a dual role as the defendant and defense
8 counsel, that the effectiveness of a defense is greatly
9 diminished in that circumstance?
10 THE DEFENDANT: Diminished in some aspects, but
11 not in others.
12 THE COURT: I don't know of a single one where
13 it isn't diminished.
14 THE DEFENDANT: I can tell you, as the person
15 who was involved in the alleged incident, it's much easier
16 for me to know when the witness is lying or when he's
17 being untruthful than for me to stop and interrupt my
18 lawyer and explain to him that's not true. Your Honor,
19 what this case is gonna come down to is, the witness is
20 lying. There's no easier way for me to show that he's
21 lying than for me to be the one --
22 THE COURT: But you understand that when you
23 cross-examine, you can't say "You're lying."
24 THE DEFENDANT: No, of course not, your Honor.

1 But I know exactly when he's lying.
2 THE COURT: That may be, but a defense attorney
3 that's skilled is much more likely to prove to the jury
4 that the person's lying than you will, because you're
5 going to get emotional and you're going to want to say,
6 "Oh, you're lying" and I'm going to sustain the objection
7 from the State and I'm going to stop you from saying that
8 and you're not going to be able to do it, and your
9 questions are not going to be succinct enough to prove the
10 person's a liar. That's what's going to happen here.
11 I've seen it.
12 THE DEFENDANT: Be that as it may, your Honor --
13 again, my experience with the Public Defender's Office
14 here is, they won't prove anything.
15 THE COURT: Okay. At this point, it does appear
16 that you understand the nature of the proceedings and that
17 you're voluntarily exercising your right to represent
18 yourself, in spite of my admonishments of you that I think
19 it's a bad idea. I'm telling you right now, you shouldn't
20 do it and it's, honestly, foolhardy for you to do it,
21 especially with these significant penalties that you're
22 facing if you are found guilty.
23 So I am going to allow you to represent
24 yourself, because the constitution tells me that no matter

how foolish you are, you have a right to be foolish and you are exercising that right, but I am going to appoint standby counsel, because of our situation with the law library, lack of legal research resources. So I'm gonna have to appoint standby counsel.

You've previously been represented by the public defender. Correct?

THE DEFENDANT: Yes, your Honor.

THE COURT: But did you request the public defender ever in justice court?

THE DEFENDANT: On this case?

THE COURT: Did you fill out an affidavit of indigence or anything?

THE DEFENDANT: I refused to fill out the application in booking, but Justice Lynch took a small oath that I was indigent and asked me about my finances.

THE COURT: So she did that and she found you indigent?

THE DEFENDANT: Yes.

THE COURT: So then, because you're indigent, I'll appoint the Washoe County Public Defender's Office as standby counsel. If they have a conflict, they'll have to notify the Court and go through the regular process.

So, Mr. Leslie, since you're present -- I don't

1 know if it'll be you or Mr. Goodnight or someone else, but
2 I will give you notice now that I'm appointing standby
3 counsel. So he's been handed a copy of the Information.
4 Do you have any questions, sir, about the
5 arraignment at this point that you would like to consult
6 standby counsel on?
7 THE DEFENDANT: No, your Honor.
8 I waive the formal reading, and my name is
9 correct on line 12.
10 THE COURT: Okay. Are you ready to enter a
11 plea?
12 THE DEFENDANT: Yes, your Honor.
13 THE COURT: Have there been any negotiations in
14 this case?
15 THE DEFENDANT: No, your Honor.
16 THE COURT: Has anyone made any offers to you?
17 THE DEFENDANT: Yeah, in justice court.
18 THE COURT: And what was that offer that was
19 offered to you?
20 THE DEFENDANT: One to five.
21 THE COURT: To plead to something that would
22 carry a one-to-five penalty?
23 THE DEFENDANT: Uh-huh.
24 THE COURT: Is that "yes"?

1 THE DEFENDANT: That's "yes."
2 THE COURT: And not go forward with the habitual
3 criminal?
4 THE DEFENDANT: And the burglary.
5 THE COURT: And you rejected that offer?
6 THE DEFENDANT: I did, your Honor.
7 THE COURT: And that's based on your actual
8 innocence.
9 THE DEFENDANT: Exactly.
10 THE COURT: Did you want any time to speak to
11 standby counsel about your rejection of the offer?
12 THE DEFENDANT: No, your Honor.
13 THE COURT: Then, how do you plead to the
14 charges?
15 THE DEFENDANT: Not guilty to all of them, your
16 Honor.
17 THE COURT: You have a right to have a trial
18 within 60 days of today's date. Do you wish to waive that
19 right or do you want to have your trial quickly?
20 THE DEFENDANT: I don't wish to waive it. I'm
21 not inclined to waive it, because I have issues with
22 discovery right now. Your Honor, I have nothing. I have
23 two pages that are for this case, for the instant case,
24 and almost 50 pages of prior history, which I understand

1 go to the habitual, but, again, I would like to --
2 THE COURT: Counsel for the State, how are you
3 going to provide him with the discovery?
4 MR. BOGALE: Your Honor, we previously provided
5 the Public Defender's Office with discovery and they told
6 the State that they would actually transfer those things;
7 it would just go from their office to him. I don't know
8 the process of that, I don't know how well that's
9 happened. If he needs us to re-duplicate efforts and give
10 him everything that we've given the Public Defender's
11 Office, I'm happy to do that.
12 THE COURT: I think you should do that, and I
13 order that you do that by Monday of next week. So you
14 have until Monday to get that done. I don't know how much
15 copying there is, but he should be personally served
16 within the jail with the discovery.
17 And then, sir, I'm going to enter a pretrial
18 order that will give you deadlines to file motions and
19 things that you can do, but if you don't file your motions
20 by that deadline, you will have waived your right to do
21 it, unless you show cause why you didn't do it. And as I
22 told you when I decided to let you do this, the fact that
23 you don't have access to a law library is not going to be
24 a basis for continuing things out.

1 THE DEFENDANT: No, no, no.
2 THE COURT: And standby counsel, of course, will
3 be available to you to answer questions procedurally.
4 He's not responsible for your defense, but he will --
5 whoever it is, whoever the public defender is you're
6 provided with, will be available to assist in legal
7 research, if you request it.
8 THE DEFENDANT: I do have an ex parte motion and
9 a declaration --
10 THE COURT: First off, there's no such thing as
11 an ex parte motion. An ex parte motion means that you're
12 giving me a motion that the other side doesn't get to see.
13 THE DEFENDANT: Exactly.
14 THE COURT: Well, what kind of a motion do you
15 think, as a criminal defendant, you can make that the
16 other side can't see?
17 THE DEFENDANT: For defense tools.
18 THE COURT: For what?
19 THE DEFENDANT: I'm asking for an investigator.
20 THE COURT: Well, standby counsel will help you
21 with that, I think.
22 THE DEFENDANT: Me too.
23 MR. LESLIE: I'm not so sure, your Honor.
24 THE COURT: I don't know. I'll have to find out

1 about that. I know if standby counsel is the Alternate
2 Public Defender or the conflict group, then that's sort of
3 run through them, but I don't know. We'll see.
4 So you want an investigator.
5 THE DEFENDANT: Yes, your Honor.
6 THE COURT: Let's get a trial date for you.
7 You're not waiving your right to a speedy trial?
8 THE DEFENDANT: Not at this moment, your Honor.
9 Like I said, as long as I get discovery timely, then, in
10 the future, I won't have any problem waiving it.
11 THE COURT: Well, do you want to wait and look
12 at the discovery that you get from the State and come back
13 and see me in a week, before we set the trial?
14 THE DEFENDANT: Yes, that would be preferable,
15 your Honor.
16 THE COURT: Okay, why don't we do that. And
17 then you can also -- I can do a little research on your
18 request for an investigator. So let's continue this over.
19 You'll get the discovery, counsel, to him and
20 then we'll set it for trial next time we all are together.
21 MR. BOGALE: Is the defendant also going to be
22 arraigned on the Amended Information? I don't know if he
23 has been.
24 THE COURT: We can do that now. I think we've

1 done everything on it except for setting the trial. I
2 think we arraigned him already. So we've done all of
3 that; we just didn't set trial. So what we're going to do
4 is we're going to continue for trial setting purposes
5 only -- you've already been arraigned -- and for purposes
6 of your request for an investigator.
7 THE DEFENDANT: And discovery issues. Right?
8 THE COURT: Right. So we'll get a date for you
9 to come back and see me.
10 THE CLERK: July 31st at 9:00 a.m.
11 THE DEFENDANT: Thank you, your Honor.
12 THE COURT: Did you want to file the document?
13 Do you want that filed in?
14 THE DEFENDANT: Yeah, if the Court wants it.
15 THE COURT: Okay. Hand it to the bailiff and
16 she'll give it to the clerk.
17 THE DEFENDANT: There's a motion and a
18 declaration.
19 THE COURT: If it should be ex parte, we'll file
20 it in and keep it ex parte. If it shouldn't be, we'll
21 serve the State.
22 THE DEFENDANT: Thank you, your Honor.
23 MR. BOGALE: Thank you, your Honor.
24 THE COURT: Okay, thank you.

(End of proceedings.)

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STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

I, ROMONA MALNERICH, official reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify:

That as such reporter, I was present in Department No. 4 of the above court on Thursday, July 24, 2014, at the hour of 9:00 a.m. of said day, and I then and there took verbatim stenotype notes of the proceedings had and testimony given therein upon the Arraignment in the case of THE STATE OF NEVADA, Plaintiff, versus MARC PAUL SCHACHTER, Defendant, Case No. CR14-1044.

That the foregoing transcript, consisting of pages numbered 1 to 27, both inclusive, is a full, true and correct transcript of my said stenotype notes, so taken as aforesaid, and is a full, true and correct statement of the proceedings had and testimony given upon the Arraignment in the above-entitled action to the best of my knowledge, skill and ability.

DATED: At Reno, Nevada, this 7th day of August, 2014.

Romona Malnerich

ROMONA MALNERICH, CCR #269

FILED
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Joey Orduna Hastings
Clerk of the Court
Transaction # 4587554

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THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

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THE STATE OF NEVADA,

Plaintiff, Case No. CR14-1044

vs. Dept. No. 4

MARC PAUL SCHACHTER,

Defendant.

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TRANSCRIPT OF PROCEEDINGS
MOTION TO SET TRIAL
Thursday, July 31, 2014

APPEARANCES:

For the State: KRISTIN L. ERICKSON, ESQ.
Chief Deputy District Attorney
One South Sierra Street
Reno, Nevada

For the Defendant: In Proper Persona
JAMES LESLIE, ESQ.
Chief Deputy Public Defender
P.O. Box 30083
Reno, Nevada

The Defendant: MARC PAUL SCHACHTER

Reported By: EVELYN J. STUBBS, CCR #356

RENO, NEVADA; THURSDAY, JULY 31, 2014; 9:42 A.M.

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THE COURT: Marc Schachter.

MS. ERICKSON: Good morning, Your Honor. Kristin Erickson on behalf of the State.

THE COURT: Good morning.

THE DEFENDANT: Good morning, Your Honor.

THE COURT: Good morning, Mr. Schachter. It's time to set this matter for trial. You wanted to have your trial, you thought, within 60 days of your original arraignment; is that true?

THE DEFENDANT: No, Your Honor.

THE COURT: Okay.

THE DEFENDANT: We had discussed, if my recollection is -- about discovery, there's still discovery issues right now. There's still -- standby counsel issues are still --

THE COURT: Right.

THE DEFENDANT: And investigator issues. So I can't --

THE COURT: Okay. Stop there. Do you want the trial within 60 days or do you want to waive that right?

THE DEFENDANT: Your Honor, I can't make that decision until you tell me what you're going to do on the

1 investigator and on the --

2 THE COURT: Well, we're going to set the trial within

3 60 days. And then we'll see where we're going to go after

4 that.

5 THE DEFENDANT: Okay.

6 THE COURT: Because I don't have any news on the

7 investigator.

8 THE DEFENDANT: Okay. The thing is, I just don't

9 know what the turnaround time is, because there's no law

10 library. And Mr. Leslie's standing in for the law library. I

11 don't know what -- how long it's going to take me to prepare

12 the motion to get ready for trial.

13 THE COURT: It may take you a while.

14 THE DEFENDANT: Especially, without discovery.

15 THE COURT: It may take you a while, but it's your

16 choice. You make the decision whether you want the trial in

17 60 days or not. If you don't, you're silent, I set the trial

18 within 60 days, because you have to affirmatively waive that.

19 THE DEFENDANT: Yes, Your Honor. I understand. I

20 just -- I would -- if I set it, is the Court going to have a

21 huge issue if I want to waive it two weeks from now? That's

22 what I'm saying. I don't want to be locking in to --

23 THE COURT: I don't like a lot of continuances and

24 changes in the calendar, but I probably will not have a huge

issue two weeks from now, if you have a good reason and you request it be continued. But the State might have a complaint about it, and I'll have to hear their side too.

THE DEFENDANT: Yes, Your Honor.

THE COURT: They subpoena witnesses and do all sorts of things. So you kind of have to decide which one it is.

THE DEFENDANT: Well at this time, Your Honor, I'm not interested in waiving it.

THE COURT: Okay.

THE CLERK: September 22nd at 10:00 o'clock for trial, with a motion to confirm September 11th at 9:00 o'clock.

THE COURT: And Mr. Schachter, you must file, and the State must file all pretrial motions no later than August 22nd. Oppositions must be filed by August 29th. No replies will be allowed. And we'll set a pretrial motion hearing date.

THE CLERK: Pretrial motion, September 5th at 9:00.

THE COURT: Okay. And then if you want to get on calendar for a change of plea or a continuance of your trial, you have to do that swiftly. And Mr. Leslie can assist you in the communications with the district attorney's office to get on calendar.

MS. ERICKSON: I'm sorry, Your Honor. September 5

1 doesn't work for the counsel's side.

2 THE COURT: Just that week don't work?

3 MS. ERICKSON: Just that day.

4 I'm sorry, Your Honor. It's 9-2 to 9-5 that

5 counsel's not available.

6 THE COURT: So it's that week.

7 MS. ERICKSON: Yeah, it is that week. Thank you.

8 I'm sorry.

9 THE COURT: That's okay. We'll move the opposition

10 date. The opposition to the motions will have to be no later

11 than August 28th. Oral arguments will be set at 3:00 o'clock

12 August 28th.

13 MS. ERICKSON: Thank you, Your Honor.

14 MR. LESLIE: And, Your Honor, I just realized, you

15 appointed the public defender as standby. So we'll have to

16 find someone else besides myself or Mr. Goodnight. I'll be in

17 a two-week murder trial starting September 22nd or 23rd. It's

18 a Department 9 case, that's why it didn't pop into my head.

19 THE COURT: Oh, okay.

20 THE DEFENDANT: Your Honor, I'm willing to push out a

21 couple weeks. I'm not -- like I say, I'm not hard and fast on

22 60 days, but no more than the second week in October or so.

23 THE COURT: Well, once you waive the right to trial

24 within 60 days, you can't later complain if other things bring

1 up continuances. That happens.

2 MR. LESLIE: And, Your Honor, we'll just find

3 somebody else in our office. There's got to be somebody that

4 wants to get the experience. We'll get somebody.

5 THE COURT: Okay. And then if you decide you want to

6 waive it, we'll move it out.

7 Okay? Thank you.

8 THE DEFENDANT: Your Honor, I've still got issues

9 with discovery.

10 THE COURT: So you need to file a motion for

11 discovery; is that what you're saying?

12 THE DEFENDANT: I thought you ordered the District

13 Attorney's office to turn over all the discovery last week.

14 MS. ERICKSON: Your Honor, all the discovery was

15 hand-delivered to the jail on Friday.

16 THE DEFENDANT: Your Honor, the jail won't give it to

17 me without a court order.

18 THE COURT: I think what the clerk was told is that

19 you needed an order. And I don't know why the jail is

20 requiring a written order when it's ordered in court and it's

21 in the minutes that you may self-represent. But they have

22 required that, and such an order was prepared by the clerk and

23 signed by me.

24 So you should -- the jail should have that and you

1 should be able to see your discovery. Now there may be other
2 issues, and if there are standby counsel will have to assist
3 you.
4 THE DEFENDANT: Your Honor, we don't know who standby
5 counsel is right now.
6 THE COURT: Well, it's Mr. Leslie. He's fine.
7 Contact him. He may not be the person in the courtroom during
8 the trial, but right now he is.
9 THE DEFENDANT: Your Honor, I have an objection to
10 Mr. Leslie. That's my problem here.
11 THE COURT: Well, I don't get involved with who the
12 public defender assigns to assist you. That's an
13 administrative right the public defender has.
14 THE DEFENDANT: Okay.
15 MR. LESLIE: Thank you, Your Honor.
16 THE COURT: You're welcome.
17 MS. ERICKSON: Thank you, Your Honor.
18 THE DEFENDANT: Are we going to hear on the
19 investigator?
20 THE COURT: I think you need to --
21 MR. LESLIE: Your Honor, for the time being, we'll --
22 THE COURT: Okay. You did file something. I'm
23 sorry. I didn't realize that.
24 Yes, Mr. Leslie?

1 MR. LESLIE: For the time being, we'll accept his
2 request for investigation. We need to research whether or not
3 we're obligated to do that. If we're not, well get back to
4 the Court within days advising the Court that --
5 THE COURT: So for now you're agreeing that if he has
6 a request for investigations to be done, your investor will do
7 it?
8 MR. LESLIE: To be real specific; he needs to provide
9 the written request for investigation, what it is he wants
10 done, checked out, tracked down, as it where.
11 In the meantime we'll finish doing our research on
12 whether standby counsel entails using our resources. In other
13 words, taking them from a case that we're representing someone
14 on and devoting them to this case, where he's representing
15 himself. If we believe that's inappropriate, we will be back
16 in front of the Court probably before the end of next week.
17 THE COURT: Okay. I think he's got something for
18 you.
19 MR. LESLIE: Okay. And it looks like he's just
20 handed me two handwritten pages. So we will take a look at
21 those and be in dialogue with him.
22 THE COURT: Okay. Thank you. Anything else?
23 THE DEFENDANT: Thank you, Your Honor.
24 THE COURT: Okay. Thank you, sir.

(Proceedings Concluded)

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STATE OF NEVADA )
)ss.
COUNTY OF WASHOE )

I, EVELYN J. STUBBS, official reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify:

That as such reporter I was present in Department No. 4 of the above court on THURSDAY, JULY 31, 2014, at the hour of 9:42 a.m. of said day, and I then and there took stenotype notes of the proceedings had and testimony given therein upon the MOTION TO SET TRIAL of the case of THE STATE OF NEVADA, Plaintiff, vs. MARC PAUL SCHACHTER, Defendant, Case No. CR14-1044.

That the foregoing transcript, consisting of pages numbered 1 to 8, inclusive, is a full, true and correct transcript of my said stenotype notes, so taken as aforesaid, and is a full, true and correct statement of the proceedings had and testimony given therein upon the above-entitled action to the best of my knowledge, skill and ability.

DATED: At Reno, Nevada, this 2nd day of September, 2014.

/s/ Evelyn Stubbs
EVELYN J. STUBBS, CCR #356

FILED
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2014-07-31 08:51:31 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4540741

CODE

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

_____/

Case No. CR14-1044

Dept. No. 4

**ORDER OF SELF-REPRESENTATION AND APPOINTMENT OF STAND-BY COUNSEL**

An Arraignment was held in the above entitled matter on July 24, 2014, at the hour of 1:30 p.m., in the Second Judicial District Court; the State of Nevada was represented by Zelalem Bogale, Esq., Deputy District Attorney, and the Defendant, Marc Paul Schachter, was present. The defendant having requested self-representation and the Court having canvassed the Defendant regarding such request, the Court found that the Defendant was voluntarily requesting self-representation and the Defendant was found to be competent to waive his legal and constitutional right to be represented by an attorney; the Defendant is able to prepare and present a defense; the Defendant is waiving the right to counsel freely, voluntarily, and knowingly; and has a full appreciation and understanding of the waiver and its consequences. The Court also determined that appointment of stand-by counsel was appropriate as it was requested by the Defendant and given the voiced discovery concerns.

Therefore, with good cause appearing,

IT IS HEREBY ORDERED that Defendant shall represent himself in these proceedings.

IT IS HEREBY FURTHER ORDERED that the Washoe County Public Defender's Office is appointed as stand-by counsel.

Dated this 30 day of July, 2014.

Connie J. Steinheimer
DISTRICT JUDGE

## CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 31st day of July, 2014, I filed the attached document with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**X I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

Zelalem Bogale, Esq.
Deputy District Attorney

James Leslie, Esq.
Chief Deputy Public Defender

**_____ Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada: [NONE]**

**X Placing a true copy thereof in a sealed envelope for service via hand-delivery:**

Marc Schachter
Inmate
Washoe County Jail

DATED this 31st day of July, 2014.